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MEMORIAL ADDRESS
OF
CAPTAIN J. B. FORAKER
IN HONOR OF
GENERAL WILLIAM TECUMSEH SHERMAN
DELIVERED AT
MUSIC HALL, CINCINNATI, OHIO,
MONDAY EVENING, FEBRUARY 23, 1891.

MR. CHAIRMAN, LADIES AND GENTLEMEN :

My thanks are due to the comrades who have assigned me the present duty. I take it up conscious of inability to fitly discharge it, but supported by the knowledge that while others would more beautifully and appropriately express the sentiments all entertain, yet no one could speak for General Sherman with greater sincerity or with the remembrance of a more devoted attachment.

When we consider the occasion of this meeting, there is a strange commingling of feeling. We have come to mourn, and yet not to mourn. A great personal and national loss has overtaken us, but the character that is gone was so splendid in all its proportions that we can contemplate it, even in the very hour of death, with scarcely any other feeling than that of gratification and admiration. Our grief is still further relieved by the thought that it did not come prematurely or unnaturally. When Lincoln fell,

he was in the prime of life. His work was not done. His taking off was both a shocking tragedy and a disastrous calamity, as well as a bitter bereavement. But not so with General Sherman. He died in the fullness of time. His work was finished. He had more than lived out the allotted threescore years and ten. He had attained the highest honors. His fame filled the whole civilized world. For a quarter of a century he had been one of the most distinguished men of the earth. He knew the high place he would hold in history, and that he would be forever enshrined in the hearts and affections of his countrymen. Could any man hope by lengthened days to accomplish more? What more could be accomplished? He outlived most of his associates. He survived the beloved partner of all his joys and sorrows. He ran the race to the end, and paid the debt of nature according to nature's law.

We are here to review the life so lived and so ended, to study the lessons it imparts, manifest the appreciation we have for his private worth and public services, and, by fitly honoring the rich memory he has left us, lift ourselves to a higher plane of patriotism and fidelity to duty. It is not possible within the proper limits of a single address to speak in detail of more than the greatest of the events with which General Sherman was associated. Fortunately it is not necessary. History has made all familiar. Let this thought be the explanation and excuse, if any be needed, for what might otherwise appear insufficiently noticed.

His early life possesses no other interest than that which attaches to all great men. He was born at Lancaster in our own State, in 1820, and was sent to the military academy by Thomas Ewing. He was graduated from there with the rank of sixth in a class of forty-two, in 1840. He served in the regular army in South Carolina, Florida and California, until 1853, when the war with Mexico

being over, and it being thought that the military was thereafter to be numbered among the lost arts, he resigned his commission and embarked in business. For several years he was a banker in San Francisco, and so successfully managed the interests intrusted to his care that he withstood the run of the great panic that inaugurated the monetary disturbances that were so disastrous to the financial institutions of the whole country during that period. The prudence and ability he there displayed as a financier would have done credit to his distinguished brother, who, in later years, won such imperishable honor as Secretary of the Treasury. Nevertheless, it is popularly believed that not the least of his acts of wisdom in this connection was quitting the business at the first opportunity. His next venture was as a lawyer, at Leavenworth, Kan., where he was admitted to the bar upon the order of the judge, not for his knowledge of the law, but "upon the ground of general intelligence." The only case tried by him of which we have any account was one in which he unsuccessfully defended a client who was sued for seventeen dollars, but in which, upon the suggestion of "a wicked partner," execution was defeated in a way the General's conscience did not altogether approve. He soon wearied of this profession, and, casting about for a more agreeable occupation, sought, and in 1859 was chosen to, the position of Superintendent of the Louisiana Military Academy at Baton Rouge.

Here he found pleasant work, but it was of short duration. He had scarcely entered upon his new duties, when the election of Mr. Lincoln occurred. The spirit of rebellion took possession of the slave section, and in rapid succession the States enacted ordinances of secession, tore down the Stars and Stripes, ran up the flags of their respective commonwealths, seized the forts and arsenals of

the Federal Government, and committed other acts of treason. Looking back at these occurrences, it seems incredible that anybody could have failed to perceive that a great war was inevitable, and still it is not necessary to say to any one who can recall those days that it was almost impossible to make any one believe there was really any such danger. At the South the impression prevailed that the people of the North were so absorbed in business pursuits, and so averse to arms, that nothing could induce them to fight, while at the North no one had an idea that such folly and wickedness as the violent disruption of the Union could be seriously contemplated. And thus it was that the public mind was such that scarcely any one could or would foresee what was coming. Sherman was one of the few who did. He had been an intelligent observer of events, and, although not then and never a partisan, a careful student of the political controversies and complications of the times. He had been identified with the people of both sections, and thus had come to have personal knowledge of their differences and prejudices. And not only did he know the people, but he also knew their respective resources, and hence it was that he both foresaw the trouble and the measure of it. When we remember what irresolution was manifested at that time by many of those who had been trusted leaders, it is refreshing to recur to a man of clear conceptions, stalwart convictions, and vigorous loyalty. Sherman was such a man. While this one was doubting, and that one was halting, and another, cringing to the slave power, was raising constitutional objections, and trying to compromise, pacificate, and save trade and business, he took his stand as irrevocably and as unqualifiedly as language could express it. On the 18th day of January, 1861, a few days after the State Convention of Louisiana, that afterwards enacted the ordinance

of secession, was convened, he wrote the following self-explanatory letter :

“ LOUISIANA STATE SEMINARY OF LEARNING
AND MILITARY ACADEMY,
January 18, 1861. } ”

“ GOV. THOMAS O. MOORE, BATON ROUGE, LA. : ”

“ SIR—As I occupy a *quasi*-military position under the laws of the State, I deem it proper to acquaint you that I accepted such position when Louisiana was a State in the Union, and when the motto of this Seminary was inserted in marble over the main door : ‘ By the liberality of the General Government of the United States. The Union. *Esto perpetua.*’ ”

“ Recent events foreshadow a great change, and it becomes all men to choose. If Louisiana withdraws from the Federal Union, I prefer to maintain my allegiance to the Constitution as long as a fragment of it survives ; and my longer stay here would be wrong in every sense of the word. In that event I beg you will send or appoint some authorized agent to take charge of the arms and munitions of war belonging to the State, or advise me what disposition to make of them. ”

“ And, furthermore, as president of the Board of Supervisors, I beg you to take immediate steps to relieve me as Superintendent the moment the State determines to secede, for on no earthly account will I do any act, or think any thought, hostile to or in defiance of the old Government of the United States. With great respect, your obedient servant,
“ W. T. SHERMAN, Superintendent. ”

Singular as it may appear, his accurate estimate of the situation and his intense zeal for the Union hindered instead of helping him to secure the place and rank due him in the struggle that followed. When Lincoln called for seventy-five thousand troops to take the field for the three months' service, he regarded the measure so triflingly inadequate to meet the emergency that he declined to respond, and, instead, accepted the position of superintendent of a street railway company at St. Louis, remarking that the politicians, newspapers and fools might carry on the fight until the Government realized that we were to have a real war, and a great one, and acted accordingly. When the time came, as he foresaw it must, that the President issued his call for three years' men, he in-

stantly tendered his services. They were as promptly accepted, and, as colonel of the Thirteenth Infantry, he entered upon one of the most brilliant military careers of which the annals of history give any account. He was at that time at the very zenith of his mental and physical powers. Education at West Point, service in the regular army, and life in California, Kansas and the South, had especially prepared him for the important part he was to play in the great drama. Rugged, fearless and aggressive by nature, his varied experiences had intensified these qualities. His clear understanding of the situation enabled him to comprehend its requirements, and compelled him, from a sense of duty, to do much that was disagreeable in the way of enforcing discipline, giving advice, and making demands upon those in authority at Washington for men and means commensurate with the magnitude of the crisis. How little we now remember of many of the most serious troubles and trials of that hour!

When we look back to the war from this point of observation, we see only its pageantry; we think only of grand armies and great battles; we see only drilled veterans commanded by skilled generals. Mention Grant, and you once more hear the roar of his heavy guns and the tramp of his heavy columns. Speak of Sheridan, and once again you see the galloping squadrons, with flashing sabers, sweeping on to victory. And so it is that when our minds go out to Sherman we find him amid the gleaming bayonets on the bloody fields of carnage. From this distance we see him only at the head of thoroughly organized, equipped and well-officered armies, crashing and smashing onward, and ever onward, with resistless power. We forget how these armies were recruited, drilled and disciplined. We never stop to inquire about, or to measure, the debt of gratitude we owe to those who made soldiers of our "boys."

Let us dwell here for a moment to consider how difficult and important was this service. There were two kinds of bravery exhibited by those appointed to command. One was bravery to fight the enemy; that was common. The other was bravery to defy public criticism; that was uncommon. The display of it was rare, because almost always it proved surely fatal to its possessor. It was a time of great excitement and exacting demands. Whosoever disappointed popular expectation, or displeased the public fancy, was instantly and generally irretrievably relegated to the rear. No one appreciated this more keenly than General Sherman; but no one allowed it less to deter him from his duty. With a heart as kind as a woman's, he yet, with unvarying constancy, enforced the strictest discipline. Officers and men alike complained, newspapers criticised, but he persisted and succeeded. Just after the battle of Bull Run, an officer of the Sixty-ninth New York, claiming that his term of service had expired, notified Sherman, who was his brigade commander, that he was going home. He was a man of position, and a lawyer by profession. He was supposed to know his rights, and to be able to command considerable political influence. This made no difference. Sherman promptly commanded him to return to his post, and ordered that if he attempted to leave without permission he should be instantly shot. A few days later, when President Lincoln visited the camp and addressed the troops, he chanced to say, in the course of his remarks, that he was anxious to do all he could for their comfort, and that if any one had a grievance he would be glad if he would name it to him, so that he could, if possible, redress it. The officer in question thereupon interrupted him with the statement that he had been grossly wronged by the order of Colonel Sherman, that, in the contingency named,

he should be shot. Mr. Lincoln was somewhat nonplused for a moment, but his good sense came to his rescue and quickly relieved him. "What!" he said, "do you mean to say that Colonel Sherman has made an order that if you go home without permission you shall be shot?" "Yes, I do," replied the officer, "and there he stands, and he will not dare to deny it." Lincoln turned and looked at Sherman long enough to rivet upon him the attention of all, and then, as though having studied out a conclusion, he turned to the officer and said to him: "If I were in your place, and Colonel Sherman threatened to shoot me on condition, I would be careful not to give him a chance, for, as nearly as I can make him out, he looks like he would do it." It is unnecessary to add that no more was heard of that grievance, or that Sherman had less trouble thereafter enforcing his orders.

Such incidents hastened the time when the men in the ranks, upon whom the restrictions and exactions of military life fell most severely, were the most thankful for discipline. They quickly saw the necessity for what was so demanded, and the benefits to them, as well as their cause, in consequence. And from that time forward to the close of the war, that officer was most respected and confided in who, in doing his own duty, made the same requirement of others. This is all plain enough and easy enough now, but it was not so then. It was the reverse. It was difficult, trying and dangerous in the extreme to the popularity necessary to get on successfully, and only the clear-headed, true-minded and morally brave dared to do their full duty in this particular.

In another notable instance Sherman's clear perceptions and frank expression of his views brought him trouble and humiliation. In the autumn of 1861 he succeeded to the command of the Department of the Cumberland,

with headquarters at Louisville. The task that thus fell to him was that of defending our position in Kentucky, driving the Confederate Armies out of the State, and ultimately, as corresponding progress was made elsewhere, conquering his way to the Gulf. For this work he was furnished with but the mere fragments of a command, insufficiently equipped, and neither drilled nor disciplined. The attention of the public and of the War Department was so absorbed with the operations of McClellan on the Potomac and Fremont in Missouri that it was impossible for a time for him to secure any attention whatever or have assigned to him any of the new regiments then recruiting and taking the field.

But finally his opportunity came. He got a hearing. Mr. Cameron, then Secretary of War, being on a visit to St. Louis, was, but not without difficulty, induced to come to Louisville as he returned. With an accuracy of knowledge and a sagacity of judgment that appear, in the light of subsequent events, truly marvelous, Sherman outlined to him the situation, his resources, the strength of the enemy, their future movements, and the controlling importance of the operations allotted to his field of action. He then startled him and the whole country by stating that for the defense of Kentucky he needed sixty thousand men, and that to conquer his way through to the sea, as designed, he should have at least two hundred thousand. The information was so unwelcome and so discouraging to those who were still clinging to the idea that the war was to be only a short skirmish, in which we were to get along if possible without hurting anybody, that it was at once repudiated, and straightway there was inaugurated against him a campaign of the most brutal detraction and abuse. The criticisms finally took the form of a charge that his mind had become unbalanced—that he was insane; and

day after day, in the columns of the staunchest Union newspapers, where he should have found marks of appreciation and words of cheer and encouragement, he read only the most cruel and wanton strictures. He was shortly relieved and sent to command a recruiting station.

But finally, when driven almost crazy by persistent charges that he was crazy, his vindication came, and came grandly, both for him and his country. The calumnies that he was powerless to answer, the events of that perilous winter entirely overthrew. The country was at last thoroughly aroused, and by the magnificent victories at Forts Henry and Donelson encouraged and prepared to appreciate earnest men and sensible advice. Grant, victorious and popular, knowing Sherman and wanting him, was allowed to have him. How singular the course of human events! On the bloody field of Shiloh, Sherman, reclaimed from retirement, triumphantly redeemed himself from every aspersion and stepped at once from behind a cloud of defamation into the clear sunlight of popular favor. But as Sherman rose, Grant fell in popular esteem. Some miscreant started the charge on its rounds that he had become a drunkard. It was basely false, but it was idle to deny it. For the public, some victim there must always be. When one escapes, another must be substituted. Such is the immutable law of public sentiment. Grant must take the place of Sherman. It was so decreed. Somebody had made a charge against him, and that was enough. Indictment was conviction. No trial was necessary. And thus the man who, but a few weeks before, had inspired a drooping cause by demanding and enforcing "unconditional surrender," was unceremoniously condemned to disfavor and official execution. The iron will of the silent hero submitted to the injustice without a murmur, except only to his friend and comrade, whom he

had helped so recently to rescue from the shadows of the asylum. But he was not unmindful of the popular clamor. His spirit was as sensitive as it was soldierly. He was keenly touched. When he had stood the gnawing of the wrong and injustice as long as he could endure it, and feeling that it was destroying his influence and power for good, he concluded to resign and retire from the service. Upon this point he consulted with Sherman, and found in him a true friend for both himself and his country. He appealed to him not to take the contemplated step; pointed to his own experience, and successfully encouraged him to forbear and go forward in the line of duty, leaving results to the future. This was one of the most important of all the services rendered to his country by General Sherman. He saved Grant to the army, and Grant lived to give us Vicksburg, Mission Ridge, the Wilderness, Appomattox, the sword of Lee, universal freedom and perpetual union.

From Shiloh to Vicksburg and the end of the war, General Sherman's services are known to all. To recount them would be but to write over again the history of marches, battles and sieges, with which every child of the schools is acquainted. It is enough to say here that no commander of ancient or modern times has shown greater zeal for a cause, or greater aptitude to serve one. He was always prepared, in season and out, in winter or summer, with provisions or without them, clothed or naked, to march any distance or fight any battle that necessity required or good judgment approved. He was always ready, always bold, always brilliant. From Chattanooga to Atlanta was one continuous battle-ground. For a full one hundred days he so closely confronted Johnston and Hood, when they stood on the defensive, and so hotly pursued, when they retreated, that his army was constantly under fire without a moment's interruption either by night or by

day. By indefatigable effort, skillful strategy, consummate generalship and heroic battle he drove the enemy from one line of defenses to another, until finally it was his happy privilege to electrify the country and refute the then prevalent slander that "the war was a failure," by wiring the President that "Atlanta is ours, and fairly won."

Whatever may be the propriety of a discussion in a defensive way of General Sherman's next great achievements, from either a moral or a military point of view, I have neither disposition nor patience to enter upon it. If there be those who for any reason can derive comfort from claiming or arguing that he was not justified in destroying Atlanta and sweeping like a besom of destruction down to the sea and up through the Carolinas, the all-sufficient answer is, and will forever remain, that it brought the end, and, to bring the end, was the greatest of mercies. He correctly said that war was the science of barbarism, and that it could not be refined. It meant necessarily waste and destruction of life and treasure, and there was no way to stop it until the one side or the other was beaten. To weaken an enemy it is not only proper to kill his soldiers in battle, but also to destroy his resources. The policy of protecting private property, that prevailed at the beginning, was a mistaken sentimentalism. It only spared a strength by which the struggle was protracted. Beyond this idea and its requirements no property was ever touched, no individual rights were invaded and no harm was done to any non-combatant, either white or black, male or female, old or young, rich or poor. In the light of this fact, what does it matter what the truth may be, about which the newspapers are just now so much occupied, whether he or Wade Hampton burned Columbia? Why argue such a question? Probably

neither had any personal responsibility for it ; but however that may be, the truth is that either might claim credit for it without risking any substantial loss of esteem. Columbia simply fell a sacrifice to the fortunes of war, and no city, except only Charleston, had less reason to expect immunity from such a fate under such circumstances. Such controversies can not change the fact that these campaigns were brilliant, both in conception and in results.

The march to the sea shook the Confederacy to its foundations. His trail was a swath forty miles wide, practically stripped of every substance that could maintain a population or sustain an army. His purpose was a new base of supplies, to cut the Confederacy in twain, and make a better acquaintance, first with South Carolina and then with Richmond. Stopping at Savannah only long enough to present it to the President, together with 150 heavy guns and 25,000 bales of cotton as a Christmas gift, and to refit his men and recruit his commissary stores, he turned the head of his column northward and took up the line of march into the original home of secession. While all concede the effective results of these campaigns, yet by many they have been regarded as so far free from hardships and danger as to have been little more than pleasure tramps. There is some excuse for this as to the march to the sea. The weather was fine, the roads were firm, foraging was good and enemies were scarce.

The man who wrote "Marching Through Georgia" had tolerably accurate knowledge. But the campaign in the Carolinas was different. It was attended with considerable fighting. The season was inclement. It rained almost incessantly. The rivers and streams were swollen, and, in many cases, they were exceedingly difficult to cross. The roads were heavy on the highlands, and almost impassable in the low. At times they would lead through swamps miles in width, where it was necessary to build

corduroy roads, sometimes as many as six layers of logs in depth, before the artillery and wagon trains could pass. This work required skillful engineering, fatiguing labor and serious exposure. All day and all night long men uncomplainingly trudged and toiled in the mud, rain, water and mire. There was no service they did not cheerfully render. They appreciated the effective blows they were striking, and, with supreme pride and confidence in their commander, vied with one another to overcome every obstacle and crown him again with triumph. This was his last campaign. It was a fit ending. It not only closed the war outside of Virginia, but it administered well-merited punishment to those who were its immediate and principal authors. Defeat was more acceptable to the rest of the States in rebellion, after South Carolina had been made to know and suffer the horrors she had invoked, and victory would hardly have been satisfactory to the North, or a guarantee of peace to the nation for the future, without such a chastisement of this refractory sister.

Since his death many estimates of his military rank have been published. Among others one from General Wolseley, of the British Army. While what he says is as creditable as could be expected from a man whose sympathies were with the Confederacy, and who thinks Lee was the greatest general of the war, yet it is sufficiently lacking in appreciation to force upon the mind a contrast between the dead hero and the living critic. This is not the place to make extended comparisons, but it may not be inappropriate to say, by way of bringing us to a more complete realization of what Sherman accomplished, that he fought more than a score of battles of so little importance, in his judgment, that he never dignified them with a name, the least of which was, however, greater, measured by the number of men engaged and the casualties sustained, than the greatest in which the British General has ever commanded. Fighting a motley horde of half-starved, half-

clothed and half-armed barbarians on the sands of Egypt, is a vastly different thing from fighting Joseph E. Johnston, with his gallant and well-drilled veterans, in their almost impregnable intrenchments, amid the mountain fastnesses of Northern Georgia. It is safe to say that had General Wolseley been pitted against the foe that confronted Sherman, instead of the half-organized mob he won so much fame in vanquishing at Tel-el-Keber, he would know more about war than he does, and it is by no means improbable that he would be a far less distinguished personage than he is. It is refreshing to answer such "damning with faint praise" with testimonials of genuine worth.

No one was better qualified to justly estimate General Sherman than was General Grant. On the 4th of March, 1864, when he was called to Washington to take the rank of Lieutenant-General and assume command of all the armies, he wrote as follows :

" Whilet I have been eminently successful in this war, in at least gaining the confidence of the public, no one feels more than I how much of this success is due to the energy, skill, and the harmonious putting forth of that energy and skill, of those whom it has been my good fortune to have occupying subordinate positions under me. There are many officers to whom these remarks are applicable to a greater or less degree, proportionate to their ability as soldiers ; but what I want is to express my thanks to you and McPherson as the men to whom, above all others, I feel indebted for whatever I have had of success. How far your advice and assistance have been of help to me, you know. How far your execution of whatever has been given to you to do entitles you to the reward I am receiving, you can not know as well as I. I feel all the gratitude this letter would express, giving it the most flattering construction."

General Sherman's answer is not strictly in order at this point, but it is pardonable to read it. Both of these letters are so admirable in every respect that they should always be read together, and it is impossible to read them too often. He said among other things :

" You do yourself injustice and us too much honor in assigning to us too large a share of the merits which have led to your high advancement.

I know you approve the friendship I have ever professed to you, and will permit me to continue, as heretofore, to manifest it on all proper occasions. You are now Washington's legitimate successor, and occupy a position of almost dangerous elevation, but if you can continue, as heretofore, to be yourself—simple, honest and unpretending—you will enjoy through life the respect and love of friends and the homage of millions of human beings that will award you a large share in securing to them and their descendants a government of law and stability. I repeat, you do General McPherson and myself too much honor. At Belmont you manifested your traits, neither of us being near. At Donelson also you illustrated your whole character. I was not near, and General McPherson in too subordinate a capacity to influence you. Until you had won Donelson I was almost cowed by the terrible array of anarchial elements that presented themselves at every point; but that admitted a ray of light I have followed since. I believe you are as brave, patriotic and just as the great prototype Washington—as unselfish, kind-hearted and honest as a man should be; but the chief characteristic is the simple faith in success you have always manifested, which I can liken to nothing else than the faith a Christian has in the Savior. This faith gave you victory at Shiloh and Vicksburg. Also when you have completed your best preparations, as at Chattanooga—no doubts, no reserves; and I tell you it was this that made us act with confidence. I knew that wherever I was you thought of me, and if I got in a tight place you would help me out, if alive."

Only great men could write such letters. They reveal the mainspring of their success. It was generous rivalry, not of each other, but to co-operate with each other for the good of their country's cause. They had no time for jealousies. They made war only on the common enemy. They were patriots.

But there are other testimonials I would mention. After Atlanta fell congratulatory messages were plentiful. Among them was this:

EXECUTIVE MANSION, WASHINGTON, D. C., }
September 3, 1864. }

The national thanks are tendered by the President to Maj.-Gen. W. T. Sherman and the gallant officers and soldiers of his command before Atlanta for the distinguished ability and perseverance displayed in the campaign in Georgia, which, under divine favor, has resulted in the capture of Atlanta. The marches, battles, sieges and other military op-

erations that have signalized the campaign must render it famous in the annals of war, and have entitled those who have participated therein to the applause and thanks of the nation.

ABRAHAM LINCOLN,
President of the United States.

General Grant wired him from City Point as follows :

“ In honor of your great victory I have ordered a salute to be fired with *shotted* guns from every battery bearing upon the enemy.”

These are but examples of the expressions he was continually eliciting to the end of the war, not only from President Lincoln and General Grant, but also from members of Congress and all others in position to know and value his services. Upon such a record all questions as to his military fame can be safely submitted.

No man can conclusively say to which of our commanders we owe the most. There are naturally differences of opinion. One excelled in this, another in that. General Sherman showed as much when he said he could always make a dozen plans for a battle and Sheridan could successfully fight any one of them, but that only Grant could invariably tell which was the best. There is one thing, however, about which we can all agree, and that is, that to belong in the group of Grant, Sherman, Sheridan and Thomas is immortality of honor. They fittingly correspond to Washington, Jefferson, Webster and Lincoln, the four men who would be chosen by common consent to compose the first and highest group in American history for illustrious services in civil life.

High as the compliment may be, General Sherman was distinguished equally with any one of these for the just estimate he had of the great problem of government here to be worked out, and of the tremendous possibilities of this country for the future. He knew how fatal failure would be—how grandly triumphant success. As though standing on a towering peak, unaffected by the storms that

beat about its base, he looked over the clouds of contention that obscured the vision of others and saw only the greatness and the grandeur that lay beyond. With prophetic eye he beheld the sublime destiny that awaited us if only slavery could be abolished, the doctrines of secession be destroyed, and all the sections be dedicated to human freedom. It was that great purpose that moved him. Before its consummation all else paled into insignificance. He saw the way so clearly, and comprehended the ends so justly, that he was impatient with all conservatism and chafed under every restraint. He knew that in the providence of God the opportunity had come for the American people to become an American nation, and be the safe guardians of "the jewel of liberty in the family of freedom." It was for that his soul was on fire. And it was because of this greatness of his purpose that he never turned aside because of the spiteful enemies by whom he was at times assailed. He knew the day would come when all would see as he saw, and for that he could afford to wait. If that day be not already here, at least the dawn of it has broken upon us. Those who suffered most from his operations are now rejoicing in the fruits of his labors, and most of them gratefully acknowledge that his victory was their victory as well. Where, twenty-five years ago, his name was spoken only to be execrated, a just measure of his character and a profound respect for his lofty patriotism are spreading in the minds of men, and ere long the time will be when, in the pride of a common country, a common greatness and a common destiny, the people of the Southern States will thank all who aided to save them from slavery, disunion and political death; and in that hour no name will stand higher or shine brighter for them than that of William Tecumseh Sherman.

But there was much more of General Sherman than appeared in his public life. On the morning after the bat-

tle of Bentonville, where his last campaign was crowned with success, one of his generals congratulated him upon his achievement, and with fitting words of compliment ventured to prophesy that he would some day be President of the United States. There, upon the last field he fought, with all civil distinctions both possible and probable, he quickly answered that he would never be President of the United States, nor hold any other political office, remarking, as the reason therefor, that the American people were so exacting in their demands and so fickle in their attachments that no man could afford to give them service, except when duty required. He then, in explanation, spoke feelingly of the time when he was charged with insanity and Grant with drunkenness. Scarcely a month passed before, in a large measure, the truth of what he said as to the uncertainty of popular favor was again strikingly exemplified in his own case. One of the terms agreed upon between him and Gen. Joseph E. Johnston for the surrender of Johnston's forces was repudiated by the administration and rejected by public judgment. The criticisms of loyal Northern newspapers were so severe that most of them, finding their way to his camp at Raleigh, were indignantly consigned to the flames. Time soon healed this new trouble, and he was again as popular as ever before. But he never changed his mind about political place. Neither the Presidency nor any other civil station had for him the slightest fascination. Time and again he forbade the use of his name in such a connection. He was great enough to be content with the high success he had attained in the profession for which he had been educated, and to be remembered and honored by his countrymen as the great soldier he was.

Of commanding stature, martial bearing and graceful carriage, the bare sight of him was enough to attract attention and excite admiration in any assemblage. He seemed

by intuition almost to know all about nature, science, literature and art. He was a perfect magazine of all kinds of knowledge. In conversation, although at times brusque and blunt, he was both instructive and charming; and, while making no pretensions to oratory, he was in public speech fluent, versatile and forcible. His sharp, crisp and striking sentences fell upon the ear like the rattle of musketry. He wrote as well as he talked. He had a military directness and precision of statement that was almost classical in simplicity and strength. His letters are equal to Napoleon's, and his memoirs will be for the Americans of the future what Cæsar's Commentaries are for the Romans.

And who that enjoyed it can ever forget the warmth of his friendship? It was equaled only by the tenderness of his nature, the steadfastness of his loyalty and his absolute freedom from every species of petty meanness.

Of distinguished family, he was, nevertheless, in every essential and honorable sense, one of those whom Lincoln styled the common people.

Born to command, he knew how to obey. Proud to do right, he was humility itself in the presence of duty. Possessed of all the autocratic power that attached to his exalted rank, he never allowed himself to forget or disregard the rights of the humblest of his private soldiers. In his intercourse with men, he constantly recognized that idea of human equality that lies at the basis and constitutes the genius of free popular government. Free from sentimentalism, and despising all affectation and insincerity, his sympathies were with all good men and all good deeds. The world is vastly better for his having lived in it. He is dead! Yes, he is dead! But the good he did has only commenced to live. The years will but brighten the pages of his history, and add to his glory and fame.

SPEECH

— OF —

Ex-Gov. J. B. FORAKER

DELIVERED AT

ATHENS, OHIO,

Wednesday,

September 16, 1891.



State Issues, a Free Ballot,
Silver, Tariff and Re-
ciprocity.

Fellow Citizens—This is a great year for America. We have had a genial spring, a pleasant summer, and are entering upon what promises to be a delightful fall. Our crops are unusually abundant, and the prices they are commanding are unusually high. Wheat is going up, and sugar is coming down. Our exports are going out, and gold is coming in. Peace, plenty and prosperity rest like a benediction on all this broad land. We were never so strong, never so rich, never so contented, and never so respected.

It is also a great year for Republicans. Wisdom, patriotism and unswerving fidelity to duty characterize, in all its departments, the administration of Benjamin Harrison, and here in Ohio the progress of our gallant standard-bearer, since the day of his nomination, has been nothing less than a triumphal march. He is literally triple-armed as he goes about over the state, battling for an honest dollar, protecting to American industries and the redemption of our State from Democratic misrule. He has already won the admiration, confidence and affection, not only of Ohio, but of the whole Nation, and in November next he will win a victory at the polls second to none in our political annals. Meeting under such inspiring circumstances, it is more than an ordinary pleasure to address you.

We are to elect this year a Governor and a Legislature. The Legislature will be charged with the duty of electing a U. S. Senator and redistricting the State for representation in Congress. Both State and National issues are therefore involved and properly discussed. I shall speak first of State issues.

Since the organization of the Republican party we have had in Ohio only four Democratic Governors, each for one term only: Allen, Bishop, Hoadly and Campbell. Under each appropriations have been extravagantly increased. The public institutions have been badly managed, and general demoralization and discredit have been the result: but all the evils of Allen, Bishop and Hoadly combined were not equal to those of the Campbell administration. These are

so numerous and so familiarly known that it is at once both impossible and unnecessary to do more in support of such an assertion than to briefly allude to only a few of the most notorious.

First, there was the election of

CALVIN S. BRICE

To the Senate of the United States. That was a most remarkable performance. Mr. Brice had not resided in Ohio for years. He had never been identified with the Democracy of this State except in the slightest degree. He had never made a political speech that anybody has ever yet heard tell of. His views, if he had any, on the political question of the day were known only to himself. He had gained considerable notoriety as a rainbow chaser, a railroad wrecker, a Wall street wizard and a tax dodger; but in the field of politics he was a newcomer, without name, fame or claim for such a recognition, and yet he was promptly preferred in the contest for that high honor over all the great leaders and able representatives who had been fighting the battles of Democracy for years. His election under such circumstances excited the gravest suspicions and called forth, even from Democrats, the most positive and plausible charges of bribery and corruption. What truth there may have been in these charges will probably never be fully known, but it is known of all men that the transaction was of such color in its outward appearances as to place a stigma upon our State, second only, if second at all, in degree to the disgrace of the Payne election.

The next step was the

OUSTING OF LIEUTENANT GOVERNOR
LAMPSON.

This was an outrage, pure and simple. It was without excuse, without proof, without more than the merest pretense of a due proceeding. In the most indecent and unwarranted

manner, they set aside the expressed will of the people, and turned out of office the people's choice, an able, experienced and worthy man, in order that they might place in his stead a subservient tool, who would aid and abet their partisan purposes.

The man who accepted the fruits of this wrong was William V. Marquis. For two years he has held an office, enjoyed its distinctions and drawn its salary, with the full knowledge that he was not elected thereto by the people. Mr. Marquis has been renominated. He is again the candidate for Lieutenant Governor on the Democratic ticket. A man who would accept an office to which he knew he had not been duly chosen, never should enjoy the honor of an election. Under our system of government, the will of the people is the highest sovereign power, and whosoever defeats that will, whether by fraud, violence, chicanery or abuse of opportunity, strikes at the very spirit and genius of American institutions, and the party that indorses such a transaction by nominating such a candidate, deserves for that act alone, aside from all other considerations, the most overwhelming defeat.

CONGRESSIONAL GERRYMANDER.

Another act that deserves special condemnation was the rearrangement of our Congressional Districts. We have had gerrymanders before, but this is the first time in our history that all sense of fairness has been utterly disregarded. Either party is expected to take any legitimate advantage to strengthen its representation in Congress, but neither party has either a moral or a political right to disregard every idea and sentiment of justice, and no Legislature ever before attempted to do so. This is a Republican State. We have a plurality, under any ordinary circumstances, of not less than 20,000 votes. Any fair division of the districts would give us a decisive majority of the representatives, but this gerrymander was so indecently unfair as to give us but six out of twenty-one. We owe to the

whole Nation to right this wrong; but if the next Legislature be Democratic, there will be no change made, except to make the matter worse, if that be possible.

PRESIDENTIAL ELECTORS.

And there is one respect in which, upon a kindred subject, they can and will, judging from what they have already attempted, make matters a great deal worse. The constitution of the United States provides that the Presidential Electors shall be chosen by each State, "in such manner as the Legislature thereof may direct." In the early days electors were chosen in some of the States by Congressional Districts. Finally, however, that method, and also the method of choosing by the Legislature, which had been adopted in some of the States, were abandoned, and the custom became universal of selecting by the vote of the electors of the State at large. This had become the settled and satisfactory rule and law of the land. But now, in pursuance of what appears to be a deliberately planned conspiracy to capture the next Presidency at any and all hazards, it has been broken first by the Democratic Legislature of Michigan enacting a law providing for the selection of Electors by Congressional Districts. What Michigan has done, the Democrats of Ohio were to have done, and, in the last Legislature, did undertake to do.

Senator Buchanan introduced a bill providing that the State of Ohio should choose her Presidential Electors by Congressional districts, and without doubt it would have been enacted into a law, but for the fear they had that they would so arouse the Republicans of this State as to make Republican victory this year an overwhelming certainty, in which event the law would be changed before the next Presidential election. But no fear of that kind would restrain the next Legislature, if it should be Democratic, and in that event, as certainly as Michigan has such a law now, Ohio will have one also before November, 1892; and instead of twenty-three votes for the next Republican candi-

date for the Presidency, we can give him only eight at the outside, or two from the State at large and one from each of the six gerrymandered districts, in which we have a Republican majority. It would mean the loss of fifteen Republican Electors from Ohio, with that number added to the Democrats, in the next Electoral College, or a difference of thirty, sufficient to change the result, and thus lose us the Presidency. But a more serious result would be in the fact that such a scheme, successfully carried out, would encourage a resort to such revolutionary measures; for a revolution it would be of the settled laws, and the satisfactory system which has by common consent become the settled law, in all the States of the Union. It is a step in the direction of Mexicanizing the United States. You can not overestimate its seriousness, and you could not make a greater mistake than to fall into the belief that the wrong is too great to be seriously contemplated. Nothing is too serious for the Democratic party where its interests are involved. It is never troubled with scruples on such occasions. It is always ready to do whatever may promise to promote its success. Besides, we know they have enacted such a law in Michigan. Why should they not do the same in Ohio? There is only one way to prevent it, and that is by not giving them a chance.

Hence it is that this election involves not only the Governorship and the U. S. Senatorship, as already stated, but also at least eight Representatives in the lower house of Congress, for we should have that many more than we are now allowed, and a loss of fifteen Presidential Electors, or a difference of thirty votes in the Electoral College. In other words, the Presidency itself depends on our next Legislature. If, therefore, the Republicans of Ohio want to be fairly represented in Congress, thwart this iniquity, elect the next President, and maintain the present system of choosing Presidential Electors, they must see to it that a Republican Legislature is returned. Let me urge you, therefore, to the most zealous support of your candidates for State Senator and Representative. Both men are in every

sense worthy of that support upon their own merit, but the results are too momentous for personal considerations, or to admit of any question as to what duty requires. Bear in mind, therefore, that this is a good year to vote the Republican ticket without a scratch on it, from Governor down to Infirmary Director.

HOME RULE.

In another respect this Democratic Legislature has made itself obnoxious. No claim was so loud or so potential in the campaign of 1889 as that of home rule. From every press and every stump it was asserted that the various municipalities had been deprived of the right to fully govern themselves. There was no excuse for this claim. It was founded on a mole-hill which they artfully magnified into a mountain. But no sooner were they in power than all these promises were forgotten, and there was commenced and prosecuted to the end, a most merciless and unjust tearing down, ripping up and reorganization of our most important city governments. Every principal of home rule, as it had been expounded and promised in the campaign, was violated and trampled under foot, until the phrase itself became a by-word to serve as a butt of ridicule.

TESTIMONY OF GENERAL HAWKINS.

But specifications are tedious. The work and general character of this General Assembly were well summarized at the close of its first session by General Hawkins, at that time Adjutant General and Chief of the Governor's staff. He was not only a Democrat, but a Democrat in office. He was not a sorehead; he was a part of the Administration. Consistently with his relations to his party, nothing but a sense of duty and a regard for truth could have prompted him to speak as he did. What he said has often been repeated, but will bear repetition again and again. It should be kept constantly before the voters of

Ohio until we have passed final judgment at the ballot box. General Hawkins said, speaking of the Legislature:

“It will go down to history as the most unsatisfactory official body that ever met in the State House. * * The majority of its acts are either indifferent or very bad. * * It has insisted on doing things that will damn it for all time to come. * * It will be distinguished as having spent thousands of dollars on useless expenditures, * * for having cowardly forsaken its German allies, * * for dealing in a weak and uncertain way with the canals. * * and for accepting from boodlers a goodly sum of money: * * for having among its members some of the smallest and cheapest rascals that ever got into politics, men who saw no good in any measure unless they could discover a \$5 greenback wrapped up in it.”

Such was the Democratic Legislature according to Democratic authority. General Hawkins knew what he was talking about. He was in a position to know. No man can, therefore, rightfully question the truth of his statements. But if they stand, as stand they must, the O'Connor Legislature and the Coal-oil Legislature, and all the other Democratic General Assemblies of infamous memory are not the equals in wrong doing of this, for of all of them put together, no Republican, even, ever spoke such words of censure as are these of this Democrat.

And yet it was this body, “the most unsatisfactory that ever met in the State House,” the most of whose acts were “either indifferent or very bad,” that “insisted on doing things that will damn it for all time to come;” that “spent thousands of dollars on useless expenditures;” that “accepted from boodlers goodly sums of money, and had among its members some of the smallest and cheapest rascals that ever got into politics—men who saw no good in any measure unless they could discover a \$5 greenback wrapped up in it,” which the Democratic party in its platform “commends for its business qualifications, economy and reform.”

GOVERNOR CAMPBELL.

Turning now to the Governor himself, the record is not helped any, to say the least. A large portion of his time during the campaign of 1889 was spent denouncing the Board of Public Affairs that had been appointed for the city of Cincinnati. In this connection there was no language so virulent or so indecent that he hesitated to use it. How stands the record? He is not making any charges now against anybody, except only his own appointees and members of his own party. He has no time: they completely occupy his attention. Before a year had passed he felt called upon to convene the General Assembly in extraordinary session to abolish the Board of Public Improvements which he had appointed to take the place of the Board of Public Affairs, on the ground that it was so incompetent, dishonest and corrupt that he could not tolerate its existence, for a short two months longer, until the campaign then in progress would be ended and the General Assembly would meet in regular session. But before the investigation the Legislature ordered was ended the Governor's attitude became so mortifying and his motives appeared so questionable that notwithstanding all he could say and prove, his much abused Board outranked him in public confidence and esteem.

MANAGEMENT OF PUBLIC INSTITUTIONS.

Another of his complaints was that the public institutions of the State had been badly and extravagantly managed. He promised to remedy the alleged wrong.

He has had an opportunity, and what is the result? It has not justified either his criticism or his promises. During the four years preceding his administration there was not the slightest scandal of any kind in connection with the management of any of the public institutions of the State, penal or benevolent, while the cost per capita of maintaining the same touched the lowest point ever reached. Such a record should have shielded them from molestation, but

it did not. Superintendents of asylums, conceded to be among the ablest of their class in the United States, were promptly turned out with as little ceremony as though they had been so many janitors, to make room for men without experience, fitness or claim, except that they were Democrats whose appointments would pay the Governor's political debts, and who could be relied upon to take care of Democratic workers and use their places to promote Democratic success. The result has been the legitimate consequence. Scarcely an institution has escaped scandal and investigation. From one learn all.

The following are but a few of the many charges that were made against Dr. C. B. Chesher, appointed in January last to succeed Dr. Strong as Superintendent of the Cleveland Asylum. They were made directly to the Governor by J. C. Lower, a Democrat, who had held the position of private secretary under the Superintendent, and therefore with full knowledge. I quote briefly from a long list and only to exhibit a mere sample of the charges and scandals that have disgraced almost every other public institution of the State. Mr. Lower says :

“ Dr. Chesher is incompetent to fill the position of Superintendent of an insane asylum. Now let me detail just a little. Of the 725 patients now in the asylum I dare say that Dr. Chesher is not acquainted with more than a dozen cases. He never examined a single patient when admitted into the asylum. He never wrote a prescription. He never advised with any of the assistant physicians as to the treatment of a single patient. He never expressed an opinion on insanity within the knowledge of any of the assistant physicians or employes of the asylum. He even seldom walks through the wards. One of the attendants says he has been in his ward but three times. A number of them say that he walks through now and then just like a visitor would. And notwithstanding the fact that insanity is a mystery to him, he went to work and appointed a brother of his as assistant physician, who is about fifty-five years old and who knows even less about insanity than the Super-

intendent, if such a thing is possible. I think I can truthfully say—and I received my information from the druggist and two of the assistant physicians—that the Superintendent's brother would have killed a number of patients by over-doses, but the attendants mistrusted the size of the doses and consulted the other assistant physicians before giving the same. This same man has also been drunk in the asylum. He has charge of six wards, and possibly 225 patients. He doesn't know one-third of them, and it is a matter of public comment by those in the building and those visiting inmates. When asked to know the condition of a patient, he frequently is obliged to go and ask the attendants. The Superintendent in such cases generally ventures the opinion that 'there is no change; just about the same; it is difficult to say as to the outcome in those cases, but the physician will be down soon.' Many of those who have called to see friends have damned the Superintendent, and wanted to know why he should ever have been thought of as superintendent of an insane asylum. You can well imagine the comments that are being made both inside and outside of the building. These charges, and a great many more of a similar nature, I can prove and will prove if given an opportunity. Let me emphasize the fact that I can prove every assertion I have made to the satisfaction of any unbiased, intelligent man. Such incompetency as I have described is frequently the one main topic of conversation throughout the building.

“It is not a pleasant matter to charge a man with dishonesty, and in this case I satisfied myself thoroughly before doing so. Dr. C. B. Chesher is dishonest, if you call it dishonest to receive money from the friends of patients in consideration of doing their bidding. Let me give you some facts. After I was out at the Asylum some months Dr. Chesher requested me to write a number of letters to different relatives of chronic patients. The letters stated that owing to the fact that the patient is incurable, and that the house is very much crowded, he did not think that he could carry so and so any longer, and wound up with

'Please call.' Quite a number called at once. They were extremely anxious not to have their friends removed. They dived down into their pockets and said, 'Here is twenty-five; try and keep her, and I will do all I can every month.' I heard part of this conversation, and Dr Chesher himself related the same to me and then made the remark, 'Why, I could make more that way than my salary amounts to.' The Superintendent has received money under such circumstances and never accounted for one dollar of it. One man told me that the Superintendent finally said, 'I will keep your wife for fifteen dollars a month,' to which this man replied, 'I will not pay you one dollar.' Has your leg been pulled?' is a question frequently interchanged between those who have friends at the Asylum. Since that first batch of letters, mentioned above, and which I wrote, Dr. Chesher has written quite a large number of similar letters himself to my own positive knowledge. He would threaten to remove patients and request the correspondents on the books to call."

When it is remembered that it was to make room for such a man as this that the able, highly honorable, experienced, venerable and faithful Dr. Jamin Strong was turned out of place, it is difficult to find parliamentary language strong enough to do the subject justice. The

FINANCIAL MANAGEMENT

Has been in keeping. The following table contrasts Campbell's first year with the last year of my administration, giving the per capita cost of maintaining the several institutions:

FORAKER—LAST YEAR, 1889.	DAILY AVERAGE IN INSTITUTION.	CURRENT EXPENSES, INCLUDING SALARIES.	PER CAPITA COST.
Insane Asylums—			
Athens.....	787	\$111,612.34	\$141.82
Cleveland.....	663	107,338.53	161.90
Columbus.....	852	142,145.16	166.84
Dayton.....	574	91,594.45	159.57
Toledo.....	976	122,448.96	125.46
Benevolent Institutions—			
Imbecile.....	808	107,725.70	133.32
Blind.....	240	51,557.62	214.82
Deaf and Dumb.....	404	69,590.42	172.25
S. and S. O. Home.....	810	135,987.14	167.88
S. and S. Home.....	307	48,931.85	159.38
Penal and Reformatory—			
Penitentiary.....	1,497	220,714.80	147.44
Boys' Industrial School.	560	64,655.95	115.45
Girls' Industrial Home.	292	34,523.96	118.23

CAMPBELL, FIRST YEAR, 1890.	Daily Average in Institution	Current Expenses including Salaries	Per Capita Cost.	Increase	Decrease.
Insane Asylums					
Athens.....	797	\$119,165.56	\$149.52	\$ 7.70	
Cleveland.....	697	110,187.68	158.09		\$3.81
Columbus.....	897	159,453.63	177.76	10.92	
Dayton.....	589	100,601.13	170.80	11.23	
Toledo.....	1,119	142,586.64	127.43	1.97	
B'n'vt Institutions					
Inbecile.....	851	125,568.16	147.55	14.23	
Blind.....	212	49,205.47	232.10	17.28	
Deaf and Dumb	370	70,404.98	190.28	18.03	
S. & S. O. Home	598	143,970.56	180.41	12.53	
S. & S. Home..	531	85,194.20	158.65		73
Penal & Ref'm'try					
Penitentiary ...	1,599	248,231.99	155.24	7.80	
Boys' Ind School	603	75,318.48	124.91	9.46	
Girls' Ind. Home	288	33,767.53	117.25		98

Average per capita of all institutions in 1890.....\$160 77
Average per capita of all institutions in 1889.....152 64
1890 (Democrat) over 1889 (Republican)..... \$8 13

This table was made up from the statistics compiled by the non-partisan Board of State Charities, and is absolutely reliable. It tells the story with more eloquence and force than any orator can express it. It will be observed that at the Cleveland Asylum there was a decrease of \$3.81 per capita, and at the Soldiers' and Sailors' Home, at Sandusky, there was a decrease of 73 cents per capita, while in every other institution, except only the Girls' Industrial Home at Delaware, there was an increase ranging all the way upward from \$7.70 at the Athens Asylum to \$18.03 at the Deaf and Dumb Asylum at Columbus.

The Cleveland Asylum remained in charge of Dr. Strong until after the close of the year, while in like manner General Force remained at the head of the Soldiers' and Sailors' Home at Sandusky.

In other words, in every institution of which the Campbell administration took charge, except only one, there was an extravagant increase of expense, while in the only two not disturbed during the year there was a decrease. But for the changes made by Campbell, there would doubtless have been a decrease in all, since supplies were notably cheaper in 1890 than in 1889, and good, economical management would have shown a corresponding and uniform decrease in the cost of management. The account is not yet closed for the second year, but enough is known to justify the statement that the per capita cost will be found to have been still further greatly increased; but if it should be only the same shown by the table for the first year, the cost to the State of Governor Campbell's management of the public institutions, over and above the cost of the management he criticised and succeeded, would be, on this account alone, for the two years of his administration, \$142,600, to say nothing of the incompetency, demoralization and scandals that have disgraced that management.

The significance of these figures is in the fact that they are only typical. All along the line, in every institution, branch and department of the State's service there have been like extravagance and mismanagement, until the ex-

penses of our State Government for these two years have aggregated the unprecedented sum of \$7,185,205, or \$785,475 more than the cost of my second term, and \$968,902 more than the cost of my first term. During my administration we finished and furnished the Toledo Asylum, rebuilt an important portion of the Cleveland Asylum that was destroyed by fire, built and furnished the Soldiers' and Sailors' Home at Sandusky, continued the construction of the Intermediate Penitentiary at Mansfield, and established and equipped the Working Home for the Blind at Iberia. These were all extraordinary expenditures, amounting to nearly one million dollars, and on these accounts our appropriations were necessarily largely increased over what they would otherwise have been.

During Governor Campbell's administration no institutions have been either built or rebuilt, and, except the construction of the Intermediate Penitentiary, which has been continued, no occasion has arisen for any important extraordinary appropriations. His expenditures should therefore have been considerably less than during either of my terms, but instead we see them swelled to almost a million dollars in excess.

In his speech of acceptance, Governor Campbell, defending on this point, stated that \$60,000 had been appropriated in one item to provide farmers with the result of agricultural experiments; that \$200,000 had been appropriated for the Soldiers' and Sailors' Orphans' Home; that his expenditures had not exceeded his income, and that he had reduced taxation more than \$500,000 per year by the repeal of the sinking fund levy.

The first two of these statements are utterly unwarranted. No such appropriations were made. At least a diligent search has failed to discover any such items. Instead of \$60,000 for the benefit of farmers, only \$1,600, all told, can be said to have been appropriated on that account; and for the Soldiers' and Sailors' Orphans' Home not one dollar was appropriated, except to defray its current expenses and to make ordinary repairs and less than the usual improve-

ments and additions. The other two statements have some color of truth, but not any of the substance. In no way can it be shown that his income has exceeded his expenditures, except by counting as a part of his income the \$1,300,000 refunded by the U. S. Government on account of the direct war tax; and the repeal of the sinking fund levy was solely due to the fact that \$1,000,000 of the direct tax money was placed to the credit of the sinking fund. And yet such a defense, worse than none at all, is the best he can make. If the people of Ohio would not have their State Government bankrupted, they must excuse Mr. Campbell, as they excused each of his Democratic predecessors at the end of one term.

Turning now to National politics, it is but of little moment to have political discussion, unless we first have it settled that when the argument is closed, we are to have an honest vote. For this reason the question of

A FREE BALLOT AND A FAIR COUNT

Remains, and will continue, the first most important and most sacred question of American politics, until the blackest man of the South can go to the polls as freely, and exercise his right of suffrage as safely and effectively as the whitest man in the North. I have no patience with the policy that ignores this issue, and have no faith in the idea that such a wrong will right itself. The last election disclosed the fact that the South is more solid to-day than it has been at any time since Appomattox. We owe it to American institutions to put an end to these abuses upon the right of suffrage, but we especially owe it to the loyal American citizens, both black and white, who are denied their rights, to make them secure in their enjoyment. Give us a free ballot and a fair count, and that, of itself, will settle at once and forever both the silver and tariff questions. We are menaced by the heresies of Democracy only because we allow them to practice fraud and violence, and thereby secure majorities in Congress to which they are not entitled. But I allude to it now only to keep the question in mind, and to give it the

rank to which it is entitled. I shall discuss it further at another time.

SILVER QUESTION.

The silver and tariff questions have been given special prominence. These questions have been elaborately discussed by Senator Sherman and Major McKinley. These gentlemen are respectively and pre-eminently the masters of these subjects. Their treatment has been so exhaustive that nothing remains to be said except only to reinforce, if that be possible, the thoughts they have presented. In the hope that I may say something that will have this effect, I invite your attention to these topics:

The Democratic party has declared in favor of the free and unlimited coinage of silver. The Republican party stands upon the act of July 14, 1890, which provides that the Government shall purchase silver bullion each month to the amount of 4,500,000 ounces, if that much should be offered, at the market price, and issue therefor its legal tender certificates, payable in coin.

It is essential to an intelligent comprehension of the issue thus presented to recall the history of silver coinage, and the legislation we have had with respect thereto. It must also be understood that by the term "free coinage" is meant that anybody, no matter who, whether a citizen of this country or of any other, having silver bullion shall have the privilege of taking it to the mints of the United States, and there having it coined into silver dollars, and returned to him as such; and that by "unlimited coinage" is meant that all the silver so presented must be so coined, no matter how much of it there may be. It may also help us, in the determination of this question, to remember that the use or purpose of money is simply to facilitate exchanges and business transactions. In other words, it is not a merchantable commodity, to be bought and sold as other property, but only as a measure of values. It is manifestly of the highest importance that a measure of value shall be uniform and unchangeable, and therefore it is, and always has been,

in all civilized countries, one of the highest special prerogatives of government, to authorize, prescribe and protect the money that the people shall use.

Accordingly, it was provided in the Constitution of the United States that Congress should have the power to coin money and regulate the value thereof, and that no State should have any such power. And hence it was one of the first duties of Congress, after the Constitution was adopted, to provide, not money, but for money; and in this behalf the first question that arose was of what should money be coined. The character of both gold and silver was carefully considered. It was obvious that gold was so valuable that it would not answer for subsidiary coins. A gold dollar was so small that it could not be satisfactorily and safely handled. Silver would answer much better, not only for the dollar, but especially for the halves, quarters, dimes and half dimes. For this reason, among others, some of which were of more importance, it was determined to use both metals. The next step was to adopt a standard of value, and for the purpose of coinage, fix the ratio between gold and silver. Then and thus it was the American silver dollar had its origin. To be brief, it was provided that the dollar should be the unit of value, and that it should be made of what was denominated standard silver, or nine parts pure silver and one part copper, and that it should contain $412\frac{1}{2}$ grains troy weight, or 371.25 grains pure silver, with halves, quarters, dimes and half-dimes in proper proportion. At the same time it was estimated that one ounce of gold was worth about fifteen ounces of silver. It was thereupon determined that the ratio of value between gold and silver should be one to fifteen for the purposes of coinage, and that gold coins should contain respectively one-fifteenth the number of grains in a silver dollar for each dollar represented in the coin. In other words, a gold dollar contained 24.75 grains pure gold, while a ten dollar gold piece contained 247.50 grains, and so on.

Thus it will be seen that while our fathers provided for the use of both metals as money, they also provided that

they should be of the same intrinsic value. It does not appear to have ever occurred to them that a gold and silver dollar would keep company and circulate, side by side, unless they were of equal intrinsic value. The same notion still prevailed in 1834, when, finding that gold had been undervalued and that the ratio of one to sixteen would be more accurate, the coinage laws were so amended as to make that the ratio and to change all gold coins by lightening them to correspond. It is important to note this act, particularly, because it shows, in the first place, that it was the idea of the fathers to have one dollar intrinsically the equal of the other, and in the second place, that all necessary changes should be made, not in the silver dollar, but with reference to it.

But the next question was as to the terms of coinage, whether free and unlimited, or otherwise. We were a young, new country, with but little money and without gold and silver mines, so far as we then had knowledge. There was no danger of suddenly getting too much money, and no probability of any material changes coming about speedily in the relative values. It seemed wise, therefore, to encourage the coinage of both metals, and accordingly the coinage of both was made free and unlimited; and so the matter stood from the beginning of our Government down to the act of February 12, 1873. In other words, during all that period we had free and unlimited coinage of both gold and silver, in the ratio of one to fifteen, down to 1834, and from that time on in the ratio of one to sixteen. Notwithstanding the mints were thus opened, there was but little coinage of silver dollars. From 1793 to 1873, a period of eighty years, only eight millions of silver dollars were coined, and the most reliable authorities estimate that seven millions of these had gone out of circulation and been reconverted into bullion, or used in silver manufacture.

In the cause for this we have a lesson for the present. Prior to 1834, while gold was undervalued, and therefore worth more as bullion than in coin, only silver, the cheaper coin, would circulate, and toward the close of the period,

after the ratio was changed, and after the discovery of gold in California, the silver bullion contained in a silver dollar came to be worth more than the coined dollar. At the time when the act of 1873 was passed, the silver in a silver dollar was worth, as bullion, about one hundred and three cents. The 375.25 grains of fine silver necessary to make a silver dollar was worth three cents more as bullion than as coin. The consequence was that nobody having silver bullion wanted it coined, since this was only to make it less valuable; and nobody having silver coins in any quantity would part with them as such, preferring to reconvert them into bullion for the sake of the enhanced price that could be thus commanded. Hence silver bullion was not offered for coinage, and coins found in circulation were withdrawn and reconverted into bullion. In other words, the cheaper coin, which was then gold, was continually driving out of circulation the dearer coin, which was then silver. The principle was the same that operated prior to 1834, but the operation was reversed. Such was the case when Congress passed the act of February 12, 1873. By this act the coinage of the standard silver dollar was suspended. To use an apt expression that has been applied to the transaction, silver was demonetized. It is this act the Democrats refer to when, in their platform, they "denounce the demonetization of silver in 1873 by the party then in power." From this language it would be inferred that the act of 1873 was a Republican measure. It was not anything of the kind. It was neither a Democratic nor a Republican measure. It was a non-partisan measure. It was voted for by both parties.

Political lines were not drawn in respect to it. The truth is that outside of a limited few nobody knew anything about the measure, in Congress or out of Congress. But the day was not far distant when attention was to be directed to it. Scarcely had the act taken its place on the statute books when we discovered the great silver mines of the West. The consequent increase of the supply of silver depreciated its relative value. Soon 371.25 grains of fine silver was not worth as bullion one hundred cents in gold. Instead of a

three-per-cent. premium, there was soon a three-per-cent. discount. The production of the mines continued to increase and the value of silver to decrease, until the intrinsic value of a silver dollar was, in gold, but ninety-three cents. When, however, silver was at an appreciable discount with gold it again became desirable, because profitable, to coin it. But when the bullion was offered at the mints for coinage it was found that the coinage of the standard silver dollar had been suspended. Immediately there was a demand for its restoration. The bullion producer demanded it because with free coinage he would not only have a market for his product, but a profit in thus disposing of it. With free coinage he could get a silver dollar for each 371.25 grains of bullion, no matter how much less than a dollar it might be worth. The tax-paying classes, who were then feeling keenly the burden of the war debt, demanded it because the Government's obligation was to pay according to the terms of the bonds, and they provided for payment in coin, and that meant silver as well as gold; and hence they had a right, both legal and equitable, to whatever benefit might arise from the silver discoveries. The great mass of the American people, aside from the considerations mentioned, joined in the demand because of the impression universally prevailing that the act of demonetization, if not surreptitiously passed, was at least a grave mistake.

The opponents of remonetization urged that the value of silver bullion had declined to such an extent that it would be impossible to maintain a silver dollar and a gold dollar, side by side; and as an additional argument they insisted that it would be a breach of faith to restore the silver dollar and make it a legal tender for the payment of debt, public or private, contracted after the act of 1873. Notwithstanding these objections, Congress enacted a law restoring the silver dollar, but restricting and limiting its coinage. It refused free coinage, and in lieu thereof, provided that the Government should purchase the bullion and coin it, as its own, for the reason that thereby the profit of the transaction would go, not to the bullion holder, but to the Government,

for the benefit of the whole people; and it limited the coinage by providing that not more than four, and not less than two millions of dollars should be coined each month. This was done upon the theory that a limited amount of silver dollars could be maintained at par with gold dollars, although of less intrinsic value; the belief being that the fiat of the Government would make good that difference; and as to contracts made subsequent to 1873, it was thought by those favoring the measure, that there would not be any breach of faith, for the reason that it was proposed to maintain the silver dollar at par with gold.

President Hayes shared the views of the opposition, and when the act was passed, vetoed it, but it was passed over his veto, and became a law on the 28th day of February, 1878. Thus it was that silver was demonetized in 1873, when a silver dollar was worth one hundred and three cents in gold, and remonetized in 1878, when a silver dollar was worth only ninety-three cents in gold.

Since then we have coined more than 400,000,000 of silver dollars, and, so far as known, not one dollar of it all has ever been reconverted into bullion. It is all in existence, because that is its most valuable form, but the major portion of it is not in circulation, but stacked up in the vaults of the treasury. It is good for reserve purposes and to represent balances, but it is too cumbersome to circulate freely in such an enormous quantity. Of the \$400,000,000 so coined, as above stated, more than \$300,000,000 are constantly lying idle in the vaults of the treasury.

The most thoughtful men in both parties have opposed coinage under the act of 1878 at a faster rate than the minimum, provided by that law, of \$2,000,000 per month, realizing that the time was rapidly approaching when the amount coined would be so great that unless something should happen to appreciate the value of silver, the fiat of the Government would not be sufficient to bridge over the difference in values and maintain silver on a parity with gold. Such, notably, were the views and policy of the Cleveland administration. The reason is the same that led

the friends of the greenbacks, who favored their issue as a war measure, to insist upon the amount being limited to a sum that would not tax too heavily the credit and the fiat power of the Government. But, while this tremendous coinage of silver dollars has been going on, the relative value of silver has still further greatly depreciated. At one time during the Cleveland administration it touched as low a point as seventy cents. Finally, it was felt that with such a wide difference between the values of gold and silver dollars, it was not safe to continue the coinage of silver as provided by the act of 1878. Both parties were practically agreed upon this. The problem was how to avoid evils threatened by continuing coinage under that act, utilize silver for money purposes, afford a market for our own product and, at the same time, maintain both coins on a parity. In this emergency, the Democrats proposed free and unlimited coinage. The Republicans enacted, as their solution of the question, the act of July 14, 1890. The question that comes home now to every voter is, which is the wiser and better proposition?

It is solely a business question. There is nothing connected with it to appeal to prejudice. It should be dispassionately considered and answered. We object to free coinage because that means an unwarranted gratuity to the bullion holder of about twenty-three cents on each dollar coined. How much this would amount to can be better appreciated when it is remembered that upon the \$400,000,000 coined since 1878, it has amounted to \$74,489,000. Had coinage been free this great sum would have gone, without any equivalent value to anybody therefor, into the pockets of the silver owner, but under the act of 1878, the Government got the benefit of it. Every dollar of it went into the treasury for the benefit of the whole people. We think that was wise, and that to the extent coinage may be continued, it should be by the Government purchasing the bullion and thus continuing the beneficiary of the transaction.

Bullion is not money. Until coined, it is but a mercantile commodity, and the owner should have for it what it is

worth in the market, but no more. It has been well said that you might as well provide by law that the farmer should have twenty-three cents more per bushel for his wheat than it is worth in the market as that a man should have twenty-three cents more for each dollar's worth of his bullion than it is worth in the market. The proposition is so inequitable and unbusinesslike that its mere statement overthrows it.

In the second place, to open our mints to free and unlimited coinage, would be to offer a premium to make this country the dumping ground, as it has been termed, for the silver of the world, and thus bring upon ourselves a deluge that would still further depreciate its value and drive gold entirely out of circulation and out of the country. The result would be that all who would buy of us from abroad would pay in silver, and all from whom we would purchase would exact payment in gold. As Major McKinley has well said, we would be driven to do business not only with a single coin, but with a short dollar, and with this short dollar labor would be paid, pensions would be paid, and necessarily all business would have to be readjusted upon a short basis. We would not have as a compensation even an increase of money. On the contrary, we would have less, since all gold would be driven out of circulation, and silver would remain as cumbersome as it is now. We would have only one coin, and that the cheaper. That such would be the result is shown by the teachings of all the experiences of the world, our own included. The Republican party believes in the use of both gold and silver as money, and proposes to keep both not only in existence, but in circulation. To this end the provisions of the act of July 14, 1890, are directed. They avoid making ourselves a market for the silver of the world, and avoid offering a premium for bringing the same to our shores. What we do take is but a limited amount, intended to be large enough to consume our own product, and for that we pay no more than it is worth, and we pay that in legal tender paper, redeemable in gold as well as silver. This paper is therefore as

good for all the purposes of money as the gold itself, and being such, it goes at once not into the vaults of the treasury, there to be stacked up by the cord, but into circulation, there to do an important service by increasing the currency, inspiring trade and facilitating the business transactions of the country. The position we have thus assumed is a plain one. It may not be the best that can be devised, but it is honest. It is prompted by good, sound business sense. At the same time, it is characteristic of the Republican party. It is in keeping with our past record, and that is saying a great deal, for it is conceded by all men that the financial achievements of the Republican party are the most brilliant in the history of the world. Under such circumstances it is difficult to believe any Republican will hesitate to trust the judgment of his party, or that any intelligent Democrat will feel bound by the ill-advised action of his.

The nomination of Major McKinley has given special prominence to the question of

PROTECTION.

My time is so limited I can do little more than merely state the necessity and purposes of the doctrine. The necessity may be one thing to-day and another thing to-morrow. We need a protective tariff now, because of the difference in wages paid here and in other countries. We pay more than anybody else, therefore we can not compete with other countries, even in our own markets, unless we in some manner bridge over that difference. But how shall we do that? We can not compel other countries to raise their wages and we are unwilling to reduce ours. We get over the difficulty and maintain our industries and our standard of wages by requiring the foreigner who comes here to sell his wares to pay the difference in tariff duties between his wages and ours. But while a protective tariff is necessary to-day, because of this difference in wages, it was not always so. In the early days of the Republic we had just as much need for a protective tariff as we have now. But it was not

because we paid higher wages, for then we did not. At that time we paid as low wages as were paid in any other country. We had slavery, and that meant not only slave labor, but the debasement, cheapening and degradation of all labor. So far as that item of manufacturing cost was concerned, nobody then had any advantage of us. The trouble was of a different kind. We were young and poor. We had no large aggregations of capital; we had no skilled artisans; we had no established plants. Our industries were all infants; and all England had to do to get rid of them was to crush them as such, and that she could do in the absence of protective duties by simply flooding our markets with her goods at less than cost until we were bankrupted.

THE PURPOSES OF A PROTECTIVE TARIFF

are many. In the first place, they are necessary to maintain the American standard of wages. We have striking illustrations here at home, now and then, of the evil effects of cheap and degraded labor. Only a few weeks ago the attention of the whole country was turned upon

BRICEVILLE.

a small mining town in Tennessee, named in honor of our distinguished Senator who resides in New York, and who, it has been said, is interested in the mining operations there carried on. A serious controversy had arisen between the honest toiling miners of that locality and the officers of the law. Bloodshed was threatened; a riot was imminent. The Governor of the State repaired in person to the scene of action. His visit resulted in an agreement that the miners would desist from the violence they contemplated until the Governor could convene the Legislature in extra session to legislate with respect to the grievances. The Legislature is now in session. So far it has got no further along than to pass a law authorizing the Governor whenever there is another outbreak of the kind to order out the militia to shoot

the miners into peace and servility. What further this Democratic Legislature will do in the Democratic State of Tennessee with respect to the Democratic system of leasing convicts is not known. But the point of the whole matter is that all this excitement and threatened riot, bloodshed and destruction of property were due to the fact that the East Tennessee Mining Company was undertaking to work in its mines a lot of penitentiary convicts. The result was to displace an equal number of honest miners, reduce the wages of those who were retained, and degrade all labor as such.

It was an unjust competition and the miners properly and indignantly resented it. They demanded that the convicts be removed and that the laws of the State be so amended as to abolish the system of leasing convicts, and thus prevent the mine owners of Briceville from subjecting honest labor to such competition and degradation. But in doing this they were simply demanding protection for themselves, their families and the honor of their occupation. What the Republican party demands for the laborer of this country is precisely the same thing in principle. We are unwilling that the wages of our laborers shall be reduced to the levels that exist abroad. We would save them from that injustice and wrong. We believe the laborer is worthy of his hire, and that his hire should be enough to support himself and his family and enable him to educate his children and thus prepare them to make good and patriotic citizens.

In the second place, we believe that our country should be as independent of every other country as our natural resources, properly developed, will allow. To this end, we should mine our own coal, manufacture our own iron, grow our own wool, make our own clothing, and, in short, supply every want to the full extent our opportunities will admit, without calling upon anybody else.

In the third place, our own people should have the benefit of a diversity of employment, and of that intellectual development that belongs to the skilled mechanic, the artisan and the expert laborer.

In the fourth place, we want the benefit of home markets. It is not enough for our farmers to have good farms and raise good crops. They want some place to sell what they raise. They want a market, and the nearer at hand and the more reliable it is the better. Our home market, that takes ninety-two per cent. of all the agricultural products of the country, and takes them from the very fields on which they are grown, is the best of all markets. We believe in maintaining it.

In the fifth place, the protective tariff policy is a wise policy. We have had repeated experiences with both free trade and protection. Without exception, free trade has brought us business paralysis, idleness, poverty and distress, while protection has uniformly brought business activity, the employment of both labor and capital, the development of our industries and consequent wealth, prosperity and happiness.

The McKinley law is the formulated expression of all these ideas and purposes, and more, too. It goes further and provides for

RECIPROCITY.

The third section of the act is in the following language:

“Section 3. That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the first day of January, 1892, whenever and so often as the President shall be satisfied that the Government of any country producing and exporting sugars, molasses, coffee, tea and hides, raw and uncured, or any of such articles imposes duties or other exactions upon the agricultural or other products of the United States, which in view of the free introduction of such sugar, molasses, coffee, tea and hides into the United States he may deem reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea and

hides, the production of such country, for such time as he shall deem just, and in such case and during such suspension duties shall be levied, collected, and paid upon sugar, molasses, coffee, tea and hides, the product of or exported from such designated country."

Then follows a list of duties prescribed to be imposed in such contingency.

The Democrats pretend that this provision is a step toward free trade. If so, they ought to favor it. But it is not anything of the kind. On the contrary it is in strict harmony with the policy of protection. It might as well be said that to admit tea and coffee free of duty, as we have been doing for many years, was inconsistent with protection. We levy protective tariff duties only that we may shield ourselves from unjust competition, and thereby enable ourselves to develop our own resources. But when it comes to articles that we do not produce, or can not produce in sufficient quantities to meet our wants, then we either admit those articles entirely free of duty, or subject to only a revenue duty. We never levy a protective tariff duty in such cases.

This reciprocal provision is intended to give us protection when we go abroad. Our home market is our main reliance for both agricultural and manufactured products but of both we have each year a large surplus, which we sell in foreign markets, subject to such duties and restrictions as each country may see fit to impose. In many instances these are so burdensome that we can not pay them and compete with the products of England and other countries where cheap labor is employed. They undersell us there as they do here in the absence of protection. What we want is protection against such a disadvantage. Therefore, we say to these countries that desire to come into ours, with the products named in this reciprocal clause, that we are willing to have them do so, provided they will, in turn, while continuing to make other countries pay, admit our agricultural and other products into their markets free, or subject to only fair and reasonable duties. Our proposition is

that if they will open their ports to us we will keep ours open to them, as to the articles named, and if they will not open their markets to us, they shall pay to enter ours; and the basis of the proposition is that we can not compete with the underpaid labor of Europe when we go abroad any more than when we stay at home.

The provision is general, applying to all countries, but it was framed with special reference to Mexico and Central and South America. Heretofore we have been at an unreasonable disadvantage in our trade relations with these countries, and we have been getting the worst of it. Our purchases from them have annually aggregated more than \$200,000,000, while our sales to them have been little more than one-third that amount. And while we have been buying nearly three times the amount we have been selling, England, Germany, France and Spain have been selling them twice as much as they have been buying from them. The consequence has been that we have been furnishing the gold to these countries with which to pay the balances against them in favor of our competitors. Take for illustration, the case of Brazil. For the year 1889 we bought from her to the amount of \$60,620,047 and sold her only to the amount of \$10,848,271. The balance against us was \$49,771,776, every dollar of which we had to pay in gold. For the same year Great Britain sold Brazil to the amount of \$32,850,573, and bought from her only to the amount of \$24,676,211; or, in other words, instead of a balance against her of over \$49,000,000, as was the case with us, she had a balance in her favor of \$8,174,362. For the same year France had a balance in her favor in her trade with Brazil of \$12,711,973, while the balance in favor of Germany was \$10,213,396. All these balances were paid by Brazil in the gold that we paid her in settlement of the heavy balances against us; and as it was with Brazil, so, too, in like proportions it was with Mexico, Cuba and Porto Rico, and each of the other South and Central American States.

What we propose is to change that policy. We want the balance in our favor, instead of against us. Instead of fur-

nishing these countries with gold to be paid by them to European countries, we want the European countries to furnish them with gold to send to us in discharge of balances in our favor. We want to buy from them hereafter more than we have bought heretofore, but we want to pay for all and a healthy balance in addition, with our wheat, corn, pork and other agricultural products; and along with the products of the farm, we want to send them our machinery, engines, locomotives, wagons, carriages, and every other kind of manufactured product. What we propose will not conflict with any home industry, interfere with the price we pay to labor, or do any injury to our home market. On the contrary we hold on to the protective policy in all its features and with all its benefits, but reach out for other markets in which to dispose of our surplus, by protecting ourselves in those markets against the same cheap labor that we protect ourselves against at home. With England, France, Germany and Spain paying the heavy protective tariff duties levied by Brazil, and America paying no duty, or only modified rates, the discrepancy in wages is at once overcome; we are given a fair chance, and the result will be that we can successfully compete with our rivals and increase by tens of millions the sale of our products. It has been well said that reciprocity is not only protection, but the crowning glory of the McKinley law.

The policy it inaugurated has already gone into successful operation. On the 5th day of last February the President issued his proclamation announcing that a reciprocal agreement had been made with Brazil, under which they are to admit, free of duty, wheat, flour, buckwheat, barley, potatoes, beans, peas, hay, oats, pork, coal, agricultural implements, mining and mechanical tools, stationary and portable engines; and are to make a reduction of twenty-five per cent. on bacon, lard, butter and cheese, canned and preserved meats, fish, fruits, cotton, manufactures of iron and steel, leather, and the manufactures thereof, except boots and shoes, lumber, timber and the manufactures of wood, including cooperage, furniture of all kinds, wagons, carts, carriages, &c. A similar arrangement has been made with Cuba, and only a few days ago it was announced that an agreement has been reached under another

statute, according to which Germany raises the embargo she has so long maintained against American pork. Truly, "Peace hath her victories no less renowned than war."

Other like agreements will follow, and thus, hand in hand with the development of our home markets, will come a great extension of our foreign markets. This is the kind of work the Republican party is doing, and this is pre-eminently an era for such statesmanship. The time has come for a broad, bold, aggressive, patriotic, American policy—one that will upbuild our strength and honor at home, and send American products, in American ships, under the American flag, across every sea, and into every port of Christendom. The Republican party is equal to this emergency, as it has been equal to every other that it has encountered. The party that suppressed the Rebellion, emancipated the slave, reconstructed the Union, preserved our financial honor, and made our paper promises as good as gold all around the globe, can be relied upon to deal wisely with respect to silver, uphold the standard of American wages, develop American resources, and find profitable markets for the surplus of American products. It is our highest duty to keep this party in power. To this end every Republican in Ohio must see to it that he does all he can to prepare the way for victory next year by triumphantly electing McKinley and a Republican Legislature this year.

SPEECH

OF

Ex-Governor Foraker

AT THE

**Dedication of the Cuyahoga County Soldiers'
and Sailors' Monument.**

Cleveland, Ohio, July 4th, 1894.

Having been introduced by Governor McKinley, Chairman, Ex-Governor Foraker said:

Fellow-Comrades and Fellow-Citizens:

We meet on the Fourth of July to dedicate a Monument to the memory of the heroes of our last War. The day and the occasion unite to recall both the Revolution and the Rebellion. These struggles had a distinct relation to each other, and were strikingly similar in some respects.

The last was but the complement of the first. It wrought for the black man what the first accomplished for the white.

Both began as rebellions. Both had relation to natural, governmental and human rights. There was no question of territory, balance of power or international statecraft or diplomaey in either.

Both broadened as they proceeded, until the issues finally joined and determined were different, higher and better than those involved at the beginning.

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It was not until after Concord, Lexington and Bunker Hill that the Colonists resolved to convert a struggle that was inaugurated only as an armed resistance to a tyrannical Ministry into a war against the Crown for national independence.

As late as the 6th day of July, 1775, the Continental Congress formally declared that they had not raised armies with the ambitious design of separating from Great Britain, and establishing independent states.

It was not until after Bull Run, Donelson and Shiloh that the overruling purpose of a directing Providence was recognized, and a war for the suppression of rebellion was broadened into a war for the liberation of the slave.

The Colonists were not only subjects of Great Britain, but they were loyal subjects. They desired to remain such, but He who directs the destiny of all decreed otherwise. The time had come not only for the birth of a new Nation, but for a new kind of government. The feudal age had passed away, and the unwritten constitution of England had been established, but the despotic powers of the old Barons had been assumed by the monarchy that followed, and the boasted rights of Englishmen, although defined by Magna Charta and protected by a representative Parliament, were, nevertheless, not such as to allow that independence of thought and action essential to the highest intellectual and moral development.

It was necessary to give a broader recognition than had ever been accorded of the rights of man with respect to government, not only in England and her colonies, but throughout the world. America was destined to light the torch of liberty and lead the fight for human freedom. It was not of her choice, but of God's ordering. She was the chosen agency, and it was through aggressions and exasperations that ripened into controversy, bitterness and blood, with their irresistible teachings and demands, that our fathers were finally brought to see both their opportunity and their duty. Then it was that the Declaration of July 6, 1775, gave way to the Declaration of Independence of July 4, 1776.

This document was a state paper worthy of a great people. It lent importance and gave dignity and consequence to the

cause of the Colonists. It excited the admiration of the whole world, and strengthened and encouraged the weak and hesitating. It put into the hearts of all aims and purposes that involved the highest interests of humanity. From that moment forward the fight was not for the redress of wrongs under the British Government, but for absolute independence, and a new and different government of their own making. What that government should be they did not then see or comprehend. After more than a century of successful experience, our form of government seems to us most natural, and as though it would be the first thought of, but it was not so with our fathers. They had no such light as we enjoy. When they determined to fight for independence, it was without any clear idea as to the kind of government they would adopt, except only that it should be of their own making and subject to their own control. They reached final results by slow stages in the school of experience.

British oppression had made them so distrustful of all authority superior to their own immediate colonial governments, that they were prejudiced against, and bitterly hostile to, all propositions that involved the establishment of any permanent controlling national authority or power.

The Continental Congress had scarcely more than the semblance of authority. There was no constitution, no judiciary, no executive, and no power of any kind lodged anywhere to compel anybody to do anything. But it was the first step toward a centralization that could represent the national name and force, and in the selection of a Commander-in-chief, the adoption of the Declaration of Independence, and by similar acts, resolutions and legislation, it familiarized the people with the idea of unity of country and interests, a common flag and a common destiny.

The Articles of Confederation followed. They were intended to establish a common or National Government and define its powers. They were another step, but not a very long one, in the right direction. Americans had not yet accepted the idea of a permanent national authority. Therefore, while recognizing the necessity for union under a common government, based on a written, organic law, they were unwilling to act, except as independent States, and would not agree to any form of govern-

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ment unless the individual independence or autonomy of each State was recognized and protected. They were so solieitious upon this point that but little else was successfully embodied in that document. The government it established had no executive, no judiciary, no revenue system, no machinery, functions or power. All legislative and executive action was vested in the Congress, in which the members voted and acted, not as representatives of the people, but as delegates of the States; and no proposed act of legislation could become a law without the votes and consent of a prescribed number of the States. The States were everything; the National Government was practically nothing. Its inadequacy was manifest from the beginning, Dissatisfaction followed and increased until all the common people, as well as the great men and statesmen of that time, were studying and discussing theories of government. The result was a convention to revise the Articles of Confederation. This body was well prepared for its work. Its members had lived under and had studied the English constitution and common law. They had passed through all the exciting experiences of the struggle for independence. They had been witnesses to the weakness of the Continental Congress and the inefficiency of the Confederation. They had been educated by these trials to appreciate the fact that no government could be successful that was not invested with all the necessary powers of preservation. They understood that any government must prove a failure which was unable to not only legislate, but enforce legislation, to raise revenues, maintain armies, and do all other things essential to sovereignty in its broadest and highest sense. They had learned something more from these experiences. They had learned that no national government could ever be successfully established and maintained that was a creature of the States, or that was a mere compact or agreement between the States. As to whatever power it might have, it should be independent of and supreme over States and people alike. When they reached this point in their deliberations, they boldly resolved to set aside the Articles of Confederation which they had been appointed to revise, and discard the theory of a league or compact. They recognized that the people of all the States were the proper source

and origin of all rightful authority, and determined to frame a constitution in the name of the people, and for the people, and to submit it to the people for their approval and adoption. The result was the Constitution of 1787, of which Mr. Gladstone has said: "It is the most wonderful work ever struck off at a given time by the brain and purpose of man."

Its general scheme was a Federal Government of three co-ordinate, independent departments. Time has shown this to be a most happy distribution of power. It has met with such universal favor that no one has ever thought to change it.

When they came to details, aside from slavery and certain particulars in which it was amended soon after adoption, the framers were scarcely less fortunate.

We are a restless, aggressive and progressive people, impatient of all restraint. It is not singular, therefore, that there is now and then complaint against some provision that may, for the time being, come in contact with our desires, but we seldom have to wait long for transpiring events and changing conditions to answer our objections.

Just at present the Senate is much criticised, but investigation has developed the fact that the trouble is with individuals rather than the body, and the people can be trusted to make such changes as will enable it to regain its accustomed dignity, efficiency, integrity and popularity.

Of late years we have heard much about election disturbances, and to avoid having them too frequently it has been proposed, with much show of support at times, to change the Presidential term to six years, but we have probably heard the last of this demand, for it is now pretty generally conceded that four years are quite long enough.

And so it is that the longer it stands the better we become satisfied with it.

But the most important feature of the Constitution, for the purposes of this occasion, is found in the following stately declarations of its preamble:

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare

and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

These are golden words. They are worthy of the Convention presided over by George Washington. They constitute the great, broad foundation-stone upon which rest all the governmental institutions of America.

Upon them Webster stood master in argument. Inspired by them Lincoln was immovable in administration, and Grant was invincible in war. When we recall them, and the history leading up to them, it seems incredible that we should ever have had serious differences, let alone war, as to whether or not a State of this Union had a constitutional right of succession.

And yet, incredible as it may seem, such was the fact. The trouble was not to understand the language that had been employed, for that was unmistakably plain. It arose from the fact that we had two kinds of civilization—one freedom, and the other slavery—one established in the Northern States, and the other in the Southern States, and the Constitution undertook to compromise their differences and protect and perpetuate both. That was possible for the time being, but impossible as a permanent provision. Their influences were at fatal war with each other. They could not peaceably co-exist. What Mr. Seward characterized as an irrepressible conflict was inevitable. It came, and it was early foreseen that we would have no cessation of the contest until we became either all slave or all free. The rivalry naturally took the form of a struggle for political power. The great question was whether freedom or slavery, the North or the South, should control the destinies of the Nation.

At first, slavery was in the ascendency, but the North outgrew the South in population and material development. The South sought to maintain her control by regulating the admission of new States, by the acquisition of Texas and other territory, and by threats and menaces whereby compromises were secured and friendly legislation was enacted. Despite all these helps she steadily lost ground until it soon became apparent that it was only a question of time when she could no longer control. She was represented by able men. They were far-seeing.

They professed to believe in slavery, that cotton was king, and that there was no safety for them, except they should govern. Foreseeing the time when they could no longer rule, they deliberately conspired to ruin. In this behalf they revived the doctrine of State sovereignty, which had been destroyed by the abrogation of the Articles of Confederation, and made it a cardinal point of their political faith. Their contention was, when stated in plain language, that each state had a constitutional right to destroy the Constitution. They insisted that any State could, lawfully and constitutionally, withdraw from the Union whenever it might see fit to do so. This doctrine was an iniquitous heresy. It was opposed to all ideas of stability and permanency. It meant weakness, confusion and anarchy. It was the end of all our progress and power. It meant that this great country should be subdivided and Mexicanized. Instead of one mighty Republic, we were to have a lot of petty States. Instead of one flag, we were to have two, six, a dozen—no man could tell how many. If the South could secede, so could the East, the West, the Middle States, or any single State.

The success of such a doctrine was the end of self-government. And what was the purpose? Why was such a doctrine espoused? Why were such consequences invited? What good was to come as a compensation for all these evils?

No good whatever. The object sought was worse than the doctrine invoked. The sole purpose was to protect and perpetuate human slavery.

And what was human slavery? You get no adequate idea of the character of that institution from the mere statement that it was the holding of human beings in bondage.

You begin to comprehend its stupendous wickedness only when you think of the auction-block and the whipping-post, and recall that it was by law made a crime to teach the slave the letters of the alphabet, or administer to him the ordinances of marriage and baptism.

It not only deprived its victims of liberty and exacted from them unrequited toil, but it purposely and by provisions of law debased and degraded them as nearly as it was possible to the ignorance and dependence of animal chattels.

It had another and an equally bad result. It blunted the moral sensibilities of those who believed in it, upheld, defended and enjoyed it.

It is a law of our nature that we can not do conscious wrong to others without a corresponding injury to ourselves. There is a reflex action which smites the conscience and sears it. Slavery inflicted this penalty upon its votaries, and thus prepared them to allow the horrors and barbarities of Andersonville, Libby and Salisbury.

It was simply a vile curse, wicked in itself and wicked in all its teachings and influences.

And yet it was for this the doctrine of State sovereignty was invoked. It was for this the doctrine of secession was instilled. It was for this the work of George Washington was to be undone. It was for this the flag was to be struck down. It was for this the Union was to be dismembered. It was for this the example of America governing herself was to be ended in humiliation and shame. It was for this the Potomac and Ohio Rivers were to be made boundary lines between hostile governments. It was for this we were to have at least two countries, two constitutions, two presidents, two flags and two destinies.

They argued long and fiercely, but the people decided against them. The verdict was rendered at the ballot box in 1860, when they elected Abraham Lincoln. He was chosen to administer according to the Constitution and the laws. Under these, slavery was secure wherever it existed. There was no purpose to interfere with it. Mr. Lincoln so announced. The official utterances of the political party he represented so declared. Every assurance was given that all rights of person and property would be respected. But all in vain. The leaders would not abide the result. They would not accept guarantees. They were deaf to entreaty. They would not listen to either argument or persuasion. The time had come against which the conspirators had conspired. They could no longer rule; they proceeded to ruin. State after State declared itself out of the Union, joined the Southern Confederacy and engaged in preparations for war.

The loyal people of the North were slow to believe they intended what they professed. They could not think it possible

they would take the last fatal step. Until the last moment they had confidence there would be no blood shed. Their hope was in vain. On the 12th day of April, 1861, the opening gun was fired. A more causeless war never was. No war was ever waged on more inexcusable legal and moral grounds. It was simply treason and rebellion, without the excuse of bad government or oppression of any kind to provoke it, for it was war against the best government ever instituted among men. It was without the excuse of necessity to save from peril any kind of existing interest. It had not one single redeeming feature in either its origin, its theory, or its purpose.

This is mentioned with particularity, because with some people it seems to have become quite fashionable of late years to try to make it appear that after all that great struggle was nothing more than a sort of family quarrel, in which one side was as much at fault as the other.

All such talk should be indignantly resented. It is a slander upon the brave men to whose memory we dedicate this Monument. No braver men ever followed a flag than were the Soldiers of the Confederacy. They brought to the support of their cause all that valor and devotion could bring, but when it comes to the right and wrong of that struggle, there is no room for argument. The Union side was altogether and absolutely right, and the other side was altogether and absolutely wrong. It is mistaken sentimentalism, and unwarranted misrepresentation to say anything else. This is not sectionalism, and it is not said in any spirit of unkindness. Nobody wants to hurt anybody's feelings, but if we must give offense, let it be to those whom the truth will wound.

It was not until after the Union had been dissolved, a hostile government had been organized, armies had been raised, war declared and the flag actually fired upon, that the Union cause was referred to the sword.

The people of the North did not want war. They were a peaceful people. They were engaged in business. They had no dreams of chivalry. They cared nothing for martial glory and distinction. They were willing and anxious to make any sacrifice for the sake of peace, consistent with their sense of duty

and loyalty, but they were not willing to let the Union perish, and if nothing but war would save it, they were ready for the dread alternative. The roar of the guns at Fort Sumter had not died away until the challenge to battle was accepted. No words can exaggerate the outbursts of enthusiasm and the manifestations of patriotism that followed. From Maine to California the whole loyal land fairly blazed and burned. Flags were everywhere flying, drums were everywhere beating, volunteers were everywhere marching, tears were everywhere streaming. Husbands said good-bye to their wives, fathers to their children, sons to their mothers, and lovers to their sweethearts. From the farms, the workshops, the counting-houses, the school-houses, from every employment, vocation and calling of our diversified social and business worlds, men literally rushed to arms. They neither asked for nor thought of rank, pay or position. Their only desire or purpose was to suppress rebellion, punish treason, maintain the Union and preserve the Constitution. They thought only of this great country, with its tremendous possibilities for good to all mankind, and of their duty to posterity, as they turned their backs upon their homes of peace and happiness, and left behind with their ambitions and aspirations all that was near and dear, to do and die if need be, that this Nation might live.

History will be searched in vain for the record of greater self-sacrifice, a more unselfish patriotism, or a more devoted consecration to duty. No army was ever more representative of the people from which it sprang, more distinctly volunteer, or moved by nobler impulses. No bitterness, hatred, revenge, or spirit of conquest was in any heart. Of all the millions who rallied around the flag, not one wanted to take life, or destroy property, except as stern duty might require. Every man knew and appreciated that he was to fight his own countrymen, not to destroy, but to save them. Not because he hated or despised them, and wanted to drive them away from us, but because he loved them, and loved their country, and wanted them and their country to remain in the Union where our fathers had placed them, to go forward with us as one people and one country to a common greatness and a common glory.

Such Soldiers should have been triumphantly successful from the beginning, but for a time they were only partially so. The trouble was in the fact that we had two questions to deal with when we commenced—one legal, and the other moral—one as to how the Constitution should be interpreted, the other what should be done about slavery. The law question was ours; the other was God's question.

With man's characteristic selfishness we undertook to confine the War to the settlement of our own question, and left God's question to shift for itself.

Mr. Lincoln was careful to announce that he would save the Union with slavery if he could—without slavery if he must.

Accordingly, for the first eighteen months of the War we tried to save the Union with slavery. The effort was a failure. It was a failure because we were without Divine approbation. The Almighty seemed to act, if I may say so without irreverence, as though so long as we allowed His question to take care of itself, He would allow us to take care of ourselves. He was deaf to our prayers. Why should He not be when success meant only the preservation and perpetuation of human slavery?

We were defeated at Bull Run, repulsed at Ball's Bluff, and subjected to one kind of disappointment after another, with just enough of success now and then interspersed to keep us from becoming utterly discouraged, until we were finally brought to see that both the necessity and the duty of the hour alike required us to broaden the issues, and strike for the destruction of the institution which was the mother of secession and the source and origin of all our troubles.

When that hour came, Abraham Lincoln said the bond should go free. His proclamation was a second Declaration of Independence. It rang out like an alarm-bell at midnight. It challenged the attention and enlisted the sympathy of the right-thinking people of the whole world. It exalted and intensified the loyalty of all loyal men. It made every sympathizer with treason writhe and squirm. It kindled the eye, flushed the cheek, nerved the arm and made stouter and braver the heart of every Union Soldier and Sailor.

From that time forward the War meant something worth praying for, fighting for and dying for. The tide turned. The navy won victory after victory, and the army swept on with irresistible power to Vicksburg and Gettysburg, Atlanta and the Sea, the wilderness and Appomattox.

But, oh! how bloody the way! Comparisons show there has been nothing equal to it in modern warfare. At Waterloo, the entire loss of Wellington's army, both killed and wounded, was less than twelve per cent. Napoleon lost less than fifteen per cent. at Austerlitz, and a still smaller percentage at Morengo, Eylau and Wagram, while the average loss on both sides was less than thirteen per cent. at Magenta, Solferino, Gravelotte and Sedan. In more than one hundred of our battles the losses exceeded fifteen per cent., while at Shiloh, Stone River, Chickamauga, Gettysburg, the Wilderness and Spotsylvania they were over thirty per cent., and in some instances more than forty per cent.

It is impossible on such an occasion as this to tell the story of such service. It is too long, too pathetic, too heroic and too patriotic to be dealt with except only by history. Suffice it to say the hardships endured, the valor displayed, the treasure expended, and the blood that was shed, are without a parallel in the annals of the world.

As the years go by we shall forget the different regiments, brigades, divisions, corps, and, in time, even the armies of the Potomac, the Cumberland and the Tennessee. Only a few great names like those of Grant, Sherman, Sheridan and Thomas will continue to enjoy individual renown. All the rest of that mighty host will become blended into a common rank to be remembered only as the great Union Army.

But while individual names and deeds will be forgotten, the results of their achievements will live. They are enduring as the Republic itself. Our heroes fought not for a day, but for all time; not for transient ideas, but for everlasting principles; not to subdue a few dissatisfied States, but for the integrity of our whole great empire; not for themselves alone, but for their enemies as well, and the proudest and most gratifying thought any Union Soldier can have must be that already the time has

come when those who met him on the field recognize that his victory was their victory as well, and to-day stand pledged to uphold and preserve the Government they then sought to destroy. Their triumph brought freedom, peace, prosperity, power and promise to all the people of every section of an undivided and indivisible country.

Cuyahoga County is justly proud of her part in the struggle. Her sons bore a conspicuous part on the water and participated among the foremost in every great battle of the War.

Whenever men were called upon to die, on either land or sea, they were there to offer their lives. It is a fitting tribute to place here, on this favorite spot, in the heart of this great city, this beautiful Monument. It shows a just appreciation of sacrifice, heroism and fidelity to duty. Silently but eloquently it will teach lessons of patriotism to all who shall look upon its towering shaft. No true citizen of the Republic can behold it without a higher and nobler sense of the duties and responsibilities of his citizenship. It will point every child and student to the most thrilling and inspiring chapter of our national history, and lift up all alike to the highest of patriotic purpose.

And now as we engage in its dedication, let us also dedicate ourselves anew to the interests of our country. Let no man think he lives under the institutions these men saved merely to enjoy them. There will be no more slavery to abolish; no more heresies of secession to destroy; no more such rebellions to suppress; no more wars of any kind between the North and the South, but there is other work to do, less heroic, perhaps, but scarcely less important.

No government will execute itself, and no form of government will answer human requirements unless it be rightly administered. It is not the business of government to furnish employment or bread; neither is it the right of government, by imbecility or the application of false theories, to paralyze business, destroy prosperity and enforce idleness, with its consequent misery and crime.

With industrial armies marching on Washington, and the military of both the States and the United States marching on organized labor; with a coal miners' strike that cost the country

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millions of dollars just ended, and a railroad strike that will cost, no one yet knows how many millions more, now in progress; with tens of thousand toiling for less than enough to secure the necessary comforts of life, and other tens of thousands in idleness, with unrest and sullen dissatisfaction almost universal, we have a condition, not a theory, confronting us, that invites and demands immediate and serious attention.

We must not have hunger or bayonets, and we will not have either long. The mills and the factories must be started; the mines must be kept open; the railroads must operate, and all who are willing to work must, shall and will have employment, and the whole country must and will again enjoy prosperity. But this change can not be brought by violence. It must come about in due form and orderly manner, under and in accordance with the forms, provisions and requirements of law.

Let no man take the law into his own hands. It is our sovereign rule, and whosoever strikes at it, strikes at the only king we have. Every such blow, no matter in whose name it is struck, or how it may be disguised, is moral, if not legal, treason as rank and foul as was the assassin thrust that struck down the President of the French Republic.

If we would perpetuate what our fathers achieved, and these Soldiers saved, we must suppress not only assaults upon constituted authority, but also the men who make such assaults. We have no room, broad as our country is, for the anarchist, the communist, the socialist, or the boycotter. They are all of the same ilk. They are all un-American. They are all the enemies of labor, as well as of capital. Their tyranny is greater than that which precipitated the revolution. Their success would mean the dissolution of society, and the overthrow of the Republic.

Looking beyond our borders, the time has come for the extension of our trade relations. We should not only do business with all the world, but our full share of it. This is particularly true as to the Western Hemisphere.

The commercial dependencies of England are her Greater Britain. They turn the wealth of the world to the island that rules them, and make it the creditor and financial dictator of

all nations. Let us learn from example not to be unduly ambitious, but to be sufficiently so to subserve and protect our own best interests. Not by violence, but by the moral force of our position and relationships we should at least secure our own from those who are our natural friends.

Other great questions are pressing upon us. We can not escape them if we would, and we should not if we could. In the immediate future we must answer whether or not we intend to wait indefinitely upon the pleasure of European nations for re-monetization of silver. Some way must be found to secure their co-operation, or some way for us to act in safety without it. Glittering generalities and plausible platitudes will no longer answer. And how long, think you, will the world continue to sail ships around the Horn? Not long. We must either build the Nicaragua Canal and control it, or let somebody else do it. Let us not be afraid to do it ourselves. Let us claim what belongs to us. Let us not be afraid to own the Sandwich Islands, and every other island that may want to fly the American flag. Let us not be afraid to be greater than we are. We have only to trust ourselves. Bloodless conquests with rich rewards are before us. The good of the world, as well as our own, commands us to go forward. Let us not hesitate, but with broad, patriotic, comprehensive statesmanship lay hold upon the peace, happiness, power and glory that are within our grasp. Whether we are Democrats or Republicans, let us be, first of all, Americans.

RECIPROCITY.



RECIPROCITY.

Address of Hon. J. B. Foraker Before the Manufacturers' Convention.

Cincinnati, O., January 24, 1895.

MR. CHAIRMAN AND GENTLEMEN:—I shall indulge for the most part in only general statements, and confine myself to only two leading ideas. They are, first, as to the nature of reciprocity, and secondly, its desirability.

In the first place, there is more than one kind of reciprocity. If the United States were to say to Germany, "You make stationary and portable engines and so do we, you are anxious to sell, and so are we; you want to come into our markets, and we want to go into yours; therefore, if you will admit American engines into Germany free of duty, we will admit German engines into the United States free of duty;" that would be a proposition of reciprocity, but it would not be the kind of reciprocity I am here to advocate. That would be simply free trade, and under existing conditions as to wages it would be a bad bargain that could not possibly result in good to this country. If such a proposition were made and acted upon we would, as a result of it, have to either abandon that line of business, or reduce wages; and every patriotic American should be opposed to both.

But if, on the other hand, this country should say to Germany, "You manufacture large quantities of beet sugar. You have a surplus for which you are hunting buyers. We produce but little sugar; far less than we need. We are large purchasers; but while you have a surplus of sugar, and we a deficiency, you have a deficiency and we a surplus of pork, for which we are hunting buyers. We have legislated against your sugar and you against our pork. Now, if you will admit our pork free of duty, or upon acceptable terms and conditions, we will in the same way admit your sugar," that, too, would be reciprocity, and the kind of reciprocity I am here to speak for.

In other words, the underlying principle of the reciprocity that we want is business, bottomed on the idea that our markets are our

own, not to be opened to others on sentimental grounds without an equivalent; or, differently stated, our markets are our own, to be used by us in a sensible business way, as a lever with which to pry open the markets of other countries with which we want to trade.

In the McKinley law of 1890 this kind of reciprocity was provided for in the third section of the act, which reads as follows:

Section 3. That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose on and after the first day of January, 1892, whenever and so often as the President shall be satisfied that the government of any country producing and exporting sugars, molasses, coffee, tea and hides (raw and uncured), or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which in view of the free introduction of such sugars, molasses, coffee, tea and hides into the United States, he may deem reciprocally unequal and unreasonable, he shall have the power, and it shall be his duty, to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea and hides, the production of such country, for such a time as he shall deem just, and in such case and during such suspension duties shall be levied, collected and paid upon sugar, molasses, coffee, tea and hides, the product of or exported from such designated country."

The duties to be imposed in such cases are prescribed by the act.

This McKinley law, reciprocity and all, has been repealed by the tariff act of 1894, and the question is now whether we shall abide that action or return to the policy of reciprocity which has been thus abandoned; not by enacting identically the same provision that was embodied in the law of 1890, but by enacting legislation of the same general nature, designated to subserve the same general purposes.

When, therefore, I speak in favor of reciprocity as provided by the act of 1890, I speak of the principle that was applied, rather than of any specific language, phrases or provisions that were employed.

There are two kinds of objections, or rather there are two classes of objectors to this kind of legislation.

In the first place, there are some protectionists who affect to distrust the doctrine, and who have been unfriendly to it on the ground that it is, as they allege "a step towards free trade," and there are a good many free traders who have denounced it as a humbug, according to a certain party platform declaration. It is neither free trade nor a humbug, but protection, and a triumphant success.

I am a protectionist, and I favor reciprocity for precisely the same reasons I favor protection.

There was a time, thirty-five years ago, when we needed protection for a number of reasons. Our industries were then in their infancy; many of them had not been established at all. Our resources were not developed. We had no large aggregations of capital. We had no skilled mechanics. We had no established

markets. But now all that is changed. Under thirty years of protection our industries have grown to manhood. We have multiplied our pursuits, acquired wealth, markets and mechanics, and have so prospered and grown in strength and capabilities that now, today, as a result of it all, we can, without any protection whatever, successfully defy the competition of the whole world, except only for one thing, which we do not have and do not want, and that is the low standard of wages they have abroad. In other words, the whole tariff question has reduced itself, through these changed conditions, to a question of labor.

I spoke a moment ago about engines. They may not be the best subject for illustration, but they will answer present purposes. They are made in Belgium for three-fourths what it costs to make them here, and chiefly because of the cheaper labor that can be obtained there. That means that an engine that will cost you \$2,000 if you make it in America, can be built in Belgium for \$1,500; and that means that if we have free trade the Belgian will compel the American to quit business, or reduce wages from our high standard to his low level. We do not want that, and therefore, we say to the Belgian, if you will not pay that extra \$500 to your wageworkers, as you should, you shall stay out of the American market, or pay it into the United States treasury for the privilege of coming in. That is protection at home, and we so understand it; some of us better than we did two or three years ago.

Reciprocity is the same thing precisely, except only that it is protection away from home. Consider again the case of the engine and assume that both the United States and Belgium have a surplus. They look about for a market. They find that Brazil wants to buy; both send their product to that country. What the Belgian sends costs him \$1,500; what the American sends costs him \$2,000 to manufacture. Ocean transportation is substantially the same, and the tariff duties imposed by the Brazilian government, which both must pay, are exactly the same. The consequence is that, when the American and the Belgian meet in competition in the market of Brazil, the Belgian has the same advantages he would have in the market of the United States under free trade, and mainly on account of the lower wages he pays to his employes. Inevitably he takes the market. The American can't sell; and what he buys there must be paid for, not by an exchange of products, but in gold.

Prior to the McKinley law of 1890 our purchases from Mexico and Central and South American states and the islands, aggregated about two hundred millions of dollars annually, while our sales amounted to less than seventy millions. In other words, we bought from these fifty millions of near neighbors and natural friends three times as much as we were able to sell them. To be more specific, take the figures as to our trade for the year preceding the law of 1890 with Brazil. That is a great country. Its area is equal to that of the United States. It is a part of the Western Hemisphere. It has a republican form of government. There is

every reason why the United States and Brazil should be the closest of friends and do business together with profit to both. But what do the figures show? For the year 1889 we bought from Brazil to the amount of \$60,620,047, and sold her only to the amount of \$10,848,271. The balance against us was \$49,771,776; every dollar of which we had to pay, and did pay in gold.

For the same year Great Britain sold Brazil to the amount of \$32,850,573, and bought from her only to the amount of \$24,676,211, or in other words, instead of a balance against her of over \$49,000,000, as was the case with us, she had a balance in her favor of \$8,174,363. For the same year France had a balance in her favor in her trade with Brazil of \$12,711,973, while the balance in favor of Germany was \$10,213,376. All these balances against Brazil were paid by Brazil in the gold that we had paid her in settlement of the heavy balance against us; and as it was with Brazil, so, too, in like proportions it was with Mexico, Cuba, Porto Rico, and each of the South and Central American states.

It was to stop such a policy and turn the balances in our favor instead of against us, that we enacted the law of 1890, under which we sought to turn these balances in our favor, not by buying less, but by selling more. It was a business step, intended to increase the export trade of the United States by overcoming the disadvantages that had unjustly kept us out of other markets, and enable us to sell them as well as buy, and thus find new markets for our products, and stop the drain of gold to meet the balance of trade against us. The proposition was simply common sense: that instead of giving away the privileges of our markets, we would exchange those privileges for like privileges in other markets.

Other countries saw and admitted the justice of it, and before the close of President Harrison's administration we had negotiated reciprocity treaties with Germany, Austria, Brazil, Cuba, Porto Rico, San Domingo, Guatemala, Salvador, Nicaragua and a number of other countries. These treaties were all of the same general nature, and their character is fully illustrated by that with Brazil, under which it was provided that Brazil should admit free of duty our wheat, flour, buckwheat, barley, potatoes, beans, peas, hay, oats, pork, coal, agricultural implements, mining and mechanical tools, stationary and portable engines, and make a reduction of 25 per cent. on bacon, lard, butter and cheese, canned and preserved meats, fish, fruits, cotton, manufacturers of iron and steel, leather, and the manufacturers of wood, including cooperage, furniture of all kinds, wagons, carts, carriages, &c.

Following the repeal of this law, most, if not all, these treaties have been abrogated, and we are now having retaliation instead of reciprocity; but the law and the treaties stood long enough to give us some significant results. It was practically demonstrated that our foreign competitor no longer had the advantage over us, by means of which he had been driving us out of these markets. When, for instance, the Belgian went to Brazil with his engine he found that he still had to pay full tariff duty, while the American, as provided

in the treaty of reciprocity, could sail in with his flag flying and his engine free of duty. The result was a removal at once of the difficulty that had previously barred us out. In other words, the American engine builder was protected, not alone in his home market by American tariff, but also abroad, in the markets of the world, by American reciprocity. It was tariff at home and reciprocity abroad, but whether called tariff or reciprocity, it was simply protection—different in form, but identical in principle.

Now, is there any "humbug" about reciprocity? Let facts answer this question. In two years after this reciprocity treaty had been made with Brazil, our export trade with that country increased fifty per cent., and during the same period the export trade of Europe with that country correspondingly decreased. In Cuba still greater results were realized. The increase of our exports to that island was from \$12,000,000 in 1890 to \$18,000,000 in 1892, and \$24,000,000 in 1893, or an increase in two short years of beginning, experiment and trial of a full round 100 per cent.

During the same period the trade of England with Cuba fell off 40 per cent., and that of France about 60 per cent.

These are a few of the many practical results of our brief experience under this law. They are a bright promise of what would have come to pass had the law been allowed to stand, and been administered by its friends.

In one of the last conversations I had with Mr. Blaine he said he would rather have his name identified with reciprocity, if developed as it should be, than with any other economical measure of his time, giving it as his opinion that it would bring the greatest happiness and prosperity to our country. But this law was not allowed to stand. While it was yet new, before it had been given a fair trial, and when it was only commencing its good work, it was struck down.

This is not the place to employ partisan language, but I trust I may be pardoned for saying that not least among the offenses that have been committed against the interests of the American people is the overthrow of this policy.

We have reached the point in the development of our country when an extension of commercial relations is imperatively demanded. It should be the purpose of every American to do all in his power to put American ships, with American products, under the American flag, on every sea, and into every port of the world. No agency can be invoked by legislation more powerful to promote this purpose than reciprocity. It is common sense; it is business sense; it is honorable; it is patriotic; it will give us prosperity and strength at home, and respect and power abroad. Restore and expand this policy, establish proper South American mail lines, by subsidies, if necessary; build and control the Nicaragua canal, increase our navy until it is able to protect our commerce in all waters, respond to our necessities and live up to our opportunities, and no language can exaggerate the greatness and the glory that will follow.

THE
MONROE
DOCTRINE.



THE MONROE DOCTRINE.

Address of Hon. J. B. Foraker Before the Meeting of the Loyal Legion.

Cincinnati, Ohio, May 1, 1895.

MR. COMMANDER AND FELLOW-COMPANIONS :

The recent demands of Great Britain upon Venezuela and Nicaragua have again given prominence to the Monroe Doctrine, and made it appropriate to recall its origin, nature and purpose, and to discuss and consider its importance and the question of its enforcement.

There is some controversy as to who was its author. It is claimed, upon some show of authority, that it was first conceived by the British Prime Minister Canning, but the truth is that it was but the crystallization of a sentiment that had been entertained and asserted, more or less distinctly in various forms, by Washington, Hamilton, Jefferson, Madison, and most, if not all, the fathers of the republic. No doubt John Quincy Adams, then Secretary of State, had much to do with its promulgation by President Monroe. But however all this may be, the important fact is that Monroe did declare it, and upon that declaration his fame has rested more securely than upon any other act of his long public life. He was not brilliant; he was not strong or aggressive, but he was a man of good attainments, high character, and fairly endowed with intellectual powers. He had been a soldier in the Revolution, Minister to France and England, and had seen much of Europe. He understood their forms of government and appreciated how radically they differed from us in all their influences and tendencies. He comprehended the necessity of our keeping away from them, and of keeping them away from us as to political matters if we would avoid compromising entanglements and wasting wars.

He was called to the Presidency in 1816. That was an interesting time in the world's history. Napoleon had just been overthrown. While the strife that preceded his downfall had been desolating Europe, we had been, with the exception of the second war with Great Britain, blessed with peace. We had recovered from the strain of the Revolution. Jefferson had purchased Louisiana and we were in the act of acquiring Florida.

We were enjoying a vigorous growth and a promising prosperity. We had gained confidence in our form of government, and visions of coming greatness and power were breaking upon us. Our success was attracting the attention of the world. Mexico and most of the Central and South American states, following the example of the colonies, had asserted and conquered their independence of Spain. Written constitutions, freedom, liberty, were the watchwords and demands of the whole Western hemisphere. Our achievements, coupled with this emulation of our example, aroused the antagonism of the Holy Alliance, of which almost every government of Europe had become a member, except only England. Protestantism and selfish interest had caused her to withhold adherence and be opposed to the reconquest by Spain of her dominions in America. When, therefore, the allied powers threatened to intervene for the re-establishment of Spanish authority, England and the United States suddenly found themselves in sympathetic opposition to such a purpose. Without this sympathy of England, the famous declaration would probably never have been made. Certain it is that it never would have met with the acceptance and acquiescence by the rest of the world that followed. But, so it was, that the disposition of England, the threats of the allied powers, and the condition of the states that had thrown off the Spanish yoke, all conspired to make it appropriate for us to adopt a distinct policy with respect to the intervention of foreign powers in American affairs.

It was in view of this situation and its requirements that President Monroe, in his annual message to Congress in December, 1823, announced in well chosen, concise and firm language, the four propositions which constitute the doctrine that bears his name.

They are :

First.—That the United States will not interfere with the political affairs of Europe.

Second.—The United States will not interfere with any colonies already established on this hemisphere by European powers.

Third.—No European power will be allowed to interfere in the affairs of this hemisphere in the way of establishing new colonies.

Fourth.—No European power will be allowed to oppress any state on this hemisphere.

In other words, the essential point of the whole doctrine was, as it has been tersely stated, "America for Americans."

Not "America for Americans" in the sense that only people born in America should live on the Western hemisphere, but in the sense that, except only as already established, no European government shall ever be tolerated in North, South or Central America.

This left Canada subject to Great Britain, Cuba in the hands of Spain, Brazil under an Emperor; but meant that they, and

every other state of the American hemisphere, should remain as they were, subject to only such changes of government as they might see fit to make uninfluenced by any European power; and denied to all European powers alike the right to colonize any new territory, or oppress any government or people on either of the American continents. It was a bold step, wisely and opportunely taken.

The immediate purpose was to prevent the reconquest of the former Spanish possessions, encourage free popular government and avoid dangerous political neighbors; but it involved vastly more. It fits all times and cases that involve American interests.

The declaration was not embodied in any statute. The Congress took no part with respect to it. Only the President spoke, but he spoke officially, and his words were sanctioned by his countrymen. They expressed only approval for his utterance. That was enough. It was a serious warning, solemnly given, and the young republic stood ready to enforce it. The effect was most salutary. The Holy Alliance at once desisted from the threatened intervention, and shortly afterward dissolved.

With its dissolution came a general recognition of the doctrine which has been substantially observed for more than seventy years. With the exception of the ill-fated attempt to establish Maximilian in Mexico, England alone has violated it, and she only in what were at the times mistakenly regarded by us as unimportant instances, and under circumstances that did not seem to justify a resort to drastic measures. But now we have two cases that should not be ignored. Both are palpable violations of this doctrine.

In Venezuela it is a new colonization; in Nicaragua, oppression. Standing alone, separate and apart from other considerations, neither, nor both together, would appear to concern us seriously; but when rightly understood, they are fraught with momentous and far-reaching consequences.

Consider the case of Nicaragua, now receiving so much attention. The beginning of the whole difficulty was a violation by Great Britain of her obligations to us in the establishment of a protectorate over the Mosquito Indians; and the recent precipitating cause of the present trouble was the unwarranted action of Mr. Hatch, who claimed to be a British consul, in stirring up sedition and rebellion among these Indians.

The Nicaraguan government had never received or recognized Mr. Hatch as a representative of the British government. They dealt with him, therefore, as an individual, and expelled him, as they had a right to do, instead of shooting him, as they well might have done, in order that they might suppress rebellion, preserve the peace and protect life and property.

This was the offense that was given England. It was founded in her own wrong and disregard of the rights of others from the beginning. It was for this offense she made demand not only for full protection and restoration for her subjects and their property,

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but also for the payment of \$75,000 in gold as a punishment for the expulsion of Mr. Hatch. All demands were conceded by Nicaragua, except only this payment. This she refused because unjust and because beyond her ability to pay. Both grounds were well taken. There had been no injury, and only vindication was involved. One sum would answer that purpose as well as another; but the second ground was even stronger than the first. Nicaragua is poor. She is without resources and without credit. Her entire population, scattered over an area one-fourth larger than all Ohio, is less than two-thirds of that of Cincinnati alone. She protested, and asked for arbitration, thus offering to submit to impartial judgment. That would have been just; that would have afforded vindication; that would have been in keeping with the civilization of the age, which demands fair dealing among nations, especially by the strong toward the weak, and the substitution of peaceful methods for war in the settlement of international disputes.

England should have accepted, and she would have accepted had our Secretary of State been James G. Blaine. But she studies all times and all administrations, and thus knowing her opportunities, she didn't. On the contrary, she ordered out her battle ships, and the world knows the rest.

It is not difficult for the student of British diplomacy to divine the ulterior purpose of these movements. A thousand years of history will bear unbroken testimony that when England has an object in view she never fails to find an excuse for its accomplishment.

The acquisition of Honduras, the extension of territorial claims at the mouth of the Orinoco, the Mosquito Protectorate and the demand upon Nicaragua, each and all, are but consistent parts of a well designed plan that has direct reference to vital American interests. It is not agreeable to criticise our National administration, especially not when we are met in the name of a comradeship that was predicated upon loyalty to our government, but it does seem necessary to say that if the authorities at Washington would but take down the map and locate Belize and Bluefields, on the Atlantic, and Corinto, on the Pacific coast, in the immediate neighborhood of the respective termini of the proposed inter-oceanic canal, a diagram would be afforded that would enable even the dullest comprehension to understand that there is method in this British madness.

But we are told that England had good excuse for the landing at Corinto. That is not true; but if it were, she should not have been allowed to do so for the all-sufficient reason, as every man knows who has studied British statesmanship, that it will not be a month, if she is allowed to stay that long, until she will have a dozen just as good excuses for remaining there forever. She took care to have this good excuse. It came just as the Congress of the United States at its last session was about to pass the bill for the construction of the Nicaragua canal. It came

when it did, and as it did, because England chose to have it so, and she chose to have it so because she wanted to be in a position to have something to say about that great work. It was for this reason that she was not satisfied with apologies and full reparation for all damages to property and a fair arbitration as to the amount of the indemnity that should be exacted. It was for this reason that in her own case she was at once witness, attorney, jury and judge. It was for this reason that she demanded an indemnity largely in excess of the ability of Nicaragua to pay. It was with knowledge that she could not pay, unaided, that the demand was made, and it was for fear she might get help and meet the exaction that force has been so promptly invoked. What Great Britain wanted was not money, but a foothold, and now that she has the foothold, she will not willingly abandon it. She has gone to Corinto to stay—as long as she can. She has gone there because she proposes to have business in that quarter. She is preparing to reassert the copartnership provided for by the blundering Clayton-Bulwer treaty, which she has repeatedly ignored and violated to the point of abrogation; or, what will suit her better, to have a war that will give her excuse to subjugate the country and govern it in her own interest.

Why is all this? Who is so stupid as to be unable to understand that she does not intend to allow the United States to build and control the Nicaragua canal—if she can help it?

Can not the whole American people, Confederate and Union soldiers alike, forgetting past differences and remembering only our common country, with its common interests, its common glories and its common destiny, stand upon a common platform for the construction and control of that canal so essential to our Union, our commerce and our general prosperity and power, without any interference, co-operation or control of any kind whatever by England, or any other nation on the face of the earth? I know we can. You know we can. The authorities at Washington know we can; but I fear they do not know how essential it is to the safety of this great enterprise that at all times and under all circumstances the Monroe Doctrine must be strenuously upheld in the broadest and most significant sense.

Fellow companions, we are nearing the time when we must either abandon this doctrine, or, if she doesn't withdraw, England must be plainly told to get out, and, failing to go, she must be made to leave. This may be attended with serious consequences; but no matter. The end will justify the means; for never in our history has it been more important than now for this country to avoid indecision and weakness in her intercourse with other nations. We have reached a point in our national development where we are able, and our interests require us, to steadfastly stand by our principles, our neighbors and our natural friends. The need of the hour is a broad, comprehensive, patriotic and thoroughly American statesmanship that will extend our commerce, enlarge our navy, and, by firmness, justice and consistent adherence to principle, command the respect of the world.

QUESTIONS OF THE HOUR.

**CURRENT POLITICS DISCUSSED
AND EXPLAINED.**

**The Democratic Platform of Humbug Exposed
and Riddled.**

**The Monroe Doctrine and the Re-
publican Party.**

**BRICE AND THE WOOL QUESTION: A RECORD
OF SHAME AND PERFIDY.**

**Speech of Ex-Governor J. B. Foraker at Springfield,
Ohio, September 10, 1895.**



SPEECH OF EX-GOVERNOR J. B. FORAKER

AT SPRINGFIELD, OHIO, SEPT. 10, 1895.

Mr. Chairman and Fellow-Citizens—It is fair to assume that the Democratic party has made for itself in its platform the best case it has. If, therefore, there be any reason why that party should prevail at the approaching election, we have a right to expect to find it stated in its resolutions. In addition to the silver question, upon which there is no issue, it consists of five distinct planks, with a sixth added as a supplement.

The first is a declaration to the effect that the repeal of the purchasing clause of the Sherman silver law, the un-American federal election law and the McKinley law, has resulted in a return of prosperity to the country.

President Cleveland is congratulated upon his success in securing these repeals and in upholding the credit of the country, and Senator Brice is congratulated for "his earnest and effective support of President Cleveland in these matters."

The second plank declares that the panic of 1893 was produced by the currency and tariff laws that had been enacted by the Republicans.

The third resolution denounces "bossism" as practiced by the Republicans at the Zanesville convention.

For a fourth plank they denounce the last legislature as corrupt and unworthy of confidence, and their fifth declaration denounces the increase of local indebtedness—by counties and municipalities—under the authority of the last legislature.

The sixth, or supplementary, resolution favors the enforcement of the Monroe doctrine.

It is more convenient to consider these several planks in the reverse order of their statement. I call attention, in the first place, therefore, to their supplementary resolution concerning the enforcement of

The Monroe Doctrine.

This plank was offered in the committee on resolutions, and by that committee rejected, after full discussion and consideration.

It was again offered by General Finley in the convention as "an independent instrument." The convention rejected it three different times before it finally, after a long debate, adopted it as a supplement to the platform.

I mention this because there is much significance attached to the manner in which this resolution was pressed upon the convention and finally adopted by it. No Republican convention that ever sat in Ohio or any other state of the Union would have hesitated for one moment to adopt such a declaration. Such resolutions are to be found running through all our party literature. The Monroe doctrine is American; it is patriotic, and the Republican party is always true

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to both its letter and spirit. Why did the Democratic party hesitate to adopt this resolution? Simply because Mr. Cleveland in his administration of our foreign affairs, has notoriously disregarded the requirements of this doctrine, especially so as to Nicaragua and Venezuela. His course in both these cases has been so unpatriotic, un-American and indefensible as to bring shame to the cheeks of all Americans, and to excite resentment in the minds of the great masses of the American people, without regard to party differences. The purpose of the resolution was to cover the party from attack on this point. The opposition was due to two causes. First, it was regarded by the defenders of Mr. Cleveland as an attack upon his administration. In the second place, certain trans-continental railroad interests are opposed to the construction of the Nicaragua canal, and by a significant coincidence, apparently, very much interested in the re-election of Mr. Brice, and it was thought unwise and impolitic to run the risk of offending either Mr. Cleveland or these railroad interests.

Who can have any confidence in a party declaration made under such circumstances, especially when the policy is one with which the administration in power is already at war? The time has come when there should be no equivocation on this subject. The American people must stand up boldly, and under all circumstances, for the application of the Monroe doctrine to American affairs throughout the whole of the Western hemisphere. Every Central and South American republic should be made to feel, not only by our declarations, but by practical application of them, that it has a friend in the United States able and willing to protect them at all times from European colonization and oppression; and every European power should be made to understand and appreciate that no inter-meddling violation of the Monroe doctrine will be tolerated. Democratic success in Ohio would mean an indorsement of the Cleveland administration in its course on this subject, as well as in all other respects. Are we ready to give such indorsement? I am sure the sentiment of Ohio is to the contrary. If so, let us speak out for the Monroe doctrine and its enforcement, and the way to do this is, to vote the Republican ticket.

The fifth plank, as already stated, denounces the last legislature for the large increase, under its authority, of

The Local Indebtedness of the State.

Running into debt needlessly is an acknowledged evil, no matter whether it be a local debt or a general debt. It is difficult, however, to avoid the increase of our indebtedness in a new country such as we have, and this is particularly true as to the local indebtedness, by which is meant that which is contracted by counties, townships and municipalities. Our state is yet constantly developing; new roads, new public buildings and new enterprises and improvements of various kinds are constantly demanding legislative attention and provision. I am sure that every Republican governor our state has had in recent years has desired to restrain the increase of our local debts as much as the public good would allow, and that all have done all they could do with propriety in that behalf.

But can this be said of Governor Campbell? Let the record answer. It shows that when Governor Foster was inaugurated in 1880, the local indebtedness of Ohio amounted to \$41,490,574.53, and that when he went out of office four years later this sum had grown to \$47,633,123.21. The total increase during the four years of his two administrations was \$6,142,548.68, or an average annual increase of \$1,535,637.17. During the two succeeding years of Governor Hoadly's

administration this indebtedness, amounting, when he came into office, as above shown, to \$47,633,123.21, grew to \$53,290,398.53, an increase in two years of \$5,657,275.32, or an average annual increase of \$2,828,637.66.

I succeeded Governor Hoadly, and during the four years of my two administrations this debt grew to the sum of \$60,228,121.63, making an increase for four years of \$6,937,723.10, or an annual average increase of \$1,734,430.75.

Then came Governor Campbell, who now stands upon a declaration that denounces the increase of local indebtedness under Governor McKinley, and asks to be re-elected, presumably that he may stop this growth and correct this evil. You would naturally expect that his record would justify his making such a claim, but it does not. During his two years the local indebtedness of Ohio grew from \$60,228,121.63 to \$71,233,744, an increase for two years of \$11,500,622.37, or an average annual increase of \$5,502,811.13, or more than three times as great an annual increase under his administration as there was under the administration of either Foster or myself.

These figures need no elaboration. They tell their own story; they show that if the question of increasing the local indebtedness is to cut any figure in determining who shall be the next governor of Ohio, Mr. Campbell is not the man the voters of this state are looking for.

The Last Legislature.

The fourth plank declares that the last legislature was corrupt and unworthy of confidence. It should be sufficient to say that our Democratic friends thrashed this straw last year. They made the same charge then. The people listened and answered with an indorsement of that legislature and the whole cause of Republicanism by the largest majority ever given to any political party in the state.

But let us consider this charge for a moment. It is a very serious one, if it means anything at all. What does it mean? There are no specifications. There were none last year. Nobody pretends to tell us wherein the legislature was corrupt, or on what account it was unworthy of confidence. Why have they spared us the details? Why did they not particularize? There is but one answer, and that is, because there are no details; no specifications can be given; no particulars can be stated. The whole charge is but empty campaign clap-trap, without any foundation whatever in truth. But if we are to consider legislatures of the past in determining how we shall vote at present, what can our Democratic friends offer? They elected a legislature in 1883 and another in 1889. Both these legislatures are within the memory of all. They are the last examples, and now that we are challenged to consider the relative character of different general assemblies, I am not only warranted in saying, but invited to say that never at any time, according to Democratic testimony, saying nothing whatever as to Republican statements, have there been gathered together in Ohio two such assemblies of corrupt boodlers as constituted what is known in the political history of this state as the coal oil legislature, that sent Henry B. Payne to the United States senate, and the Campbell legislature, that was "Briced" in January, 1890.

I need not waste time quoting from Democratic newspapers about

The Payne Legislature.

Its bad reputation can never be forgotten; but in view of the present situation it is not out of place to recall what General Hawkins, as the adjutant general and chief of staff to Governor Campbell, and now of the Cincinnati Enquirer, said about the last of these bodies.

I quote from a letter written by him at the time and published in the Cincinnati Evening Post. He said of this legislature: "It will go down to history as the most unsatisfactory body that ever met in the state house. * * * * The majority of its acts are either indifferent or very bad. * * * * It has insisted on doing things which will damn it for all time to come. * * * * It will be distinguished for having spent thousands of dollars on useless expenditures * * * and for accepting from boodlers a goodly sum of money; * * * * for having among its members some of the smallest and cheapest rascals that ever got into politics; men who saw no good in any measure unless they could discover a five-dollar greenback wrapped up in it."

What General Hawkins said about that legislature but expressed the opinion universally entertained of it by the men of all parties. Such were the last two legislatures the Democratic party has given us. Do you want any more such bodies? Is there any ground to believe or hope that another Democratic legislature would be any better than the last two? Consider the situation! Every man in Ohio knows that Mr. Brice has no hope or expectation of carrying the legislature except by the unlimited use of money. Can any man, judging from past experience, describe the corrupt practices and the disgraceful debaucheries of the public morals that would attend the election of a United States senator if a Democratic legislature should be so chosen? Ohio has been too much disgraced already. Let us make it impossible to have a repetition of such practices by making the legislature Republican.

"Bossism."

I come now to the third plank. It denounces "Bossism," as practiced at the Zanesville convention.

At the Zanesville convention there was no "bossism," except only that of the people. No one man had much to do with the action of that body in making choice of a candidate for governor. By a life of noble deeds and by long years of active and faithful service in the cause of Republicanism, General Bushnell had endeared himself to the Republican party. They wanted to honor him with the highest office in their power to bestow, and they were determined to do it, no matter whether he wanted it or not. Therefore, it was that all plans and machinations of politicians went for naught, and General Bushnell was chosen to be our standard-bearer and the next governor of Ohio. All he had to do with bringing about that result was to live a life of probity, of honor, of fidelity to duty and to Republicanism. For that he will not be blamed. It was that which influenced the convention, and nothing else. No convention ever sat in Ohio that was freer from "bossism" in every offensive sense than was that which met at Zanesville.

But what of the convention that put forth this pronouncement? No convention ever sat in Ohio that was so absolutely the property of one man, ready, willing and anxious to do his bidding, as was the Democratic convention of 1895. It is notorious that it was both owned and "bossed," in the most reprehensible sense of the word.

Cleveland's Administration.

This brings me to the first and second planks of their platform. They raise the real issue of this campaign. They are in the nature of a defense of Mr. Cleveland's administration. They put it forward for approbation. They declare that the panic through which we have passed was caused by the legislation of

the Republican party, and that the present partial revival of business is due to what the Democratic party has accomplished in the repeal of the McKinley law, the Federal election law, and the purchasing clause of the Sherman silver law. We join issue upon these propositions.

A very few figures will answer their whole case. The public debt amounted at the close of the war to \$2,800,000,000. The bonds representing this debt bore high rates of interest.

Under Republican administrations the revenues were sufficient to pay all the current expenses of the government, and steadily reduce this debt from year to year, until the total amount yet owing in March, 1893, when this administration came into power, exclusive of non-interest-bearing greenbacks, was less than \$600,000,000, bearing the lowest rates of interest any nation has ever been able to command.

The tremendous revenues necessary to accomplish these financial wonders were raised by the protective system, under which the burdens of taxation were unfelt, and the whole country constantly prospered and grew in credit, strength and power.

Under this administration and the tariff law of its creation our revenues have become insufficient to meet current expenses, and the public debt, instead of being reduced, has been increased by the sale of \$162,500,000 of bonds necessary to meet current obligations and maintain our gold reserve.

Once more we have been compelled to become familiar with bond syndicates, impaired credit and usurious rates of interest.

Our foreign trade has also been injuriously affected. Our imports for the last fiscal year increased \$76,663,252. During the same period our exports declined \$84,801,325. In other words, we have bought more and sold less to the amount of \$161,464,577. It is no wonder we are having trouble with our currency, our revenues and our credit.

But turn from the figures to that which is within the common knowledge of all.

1892.

Eighteen hundred and ninety-two was the high-water mark of American prosperity. Every industry was in full activity. No man was without the opportunity to labor. There was no idleness, except by choice, and no poverty or want, except as self-inflicted. The wheels were all turning, the mines were all open, the mills were all busy. Labor was universally employed, and good wages and all the comforts of life were within the command of every American who was willing to work. The revenues of the government were ample to meet all its obligations, and the credit of the United States was at the highest point ever reached by any nation on the face of the earth in the history of all time. It was a typical year of a golden era, the last, richest ripest fruit of thirty years of Republican administration that had commenced with a government without credit, a country divided, and entering upon a civil war that involved the very existence of our institutions.

1893.

Eighteen hundred and ninety-three was the very opposite. With its beginning a general uneasiness was manifested throughout business circles; fear and apprehension took the place of courage and confidence. It was soon perceived that a storm was brewing, and all began to prepare for it. Business men commenced taking in sail; pay-rolls were cut down; creditors pressed for settlement;

debtors went to the wall; business was paralyzed; labor was driven into want. Strikes, tramps, soup-houses, industrial armies, panics, riots, blood and murder followed.

Most panics are soon over, but this one continued through the year, and went on without abatement until the close of 1894.

It was not until the early months of 1895 that any relief was perceptible. Since then the clouds have been lifting, and the business world has been gradually regaining hope and spirit. Business is much better now than it was last year, but it is yet far below what it was in 1892. The volume is less, prices are lower and wages are from 10 to 20 per cent below what they were, while the general demand for labor is still much less than the supply, and thousands remain without work, many of them dependent upon charity, who never before knew what it was to be idle.

The Cause of the Panic.

Our Democratic friends acknowledge these facts, but they deny responsibility for the panic, and claim credit for this partial revival of business. In support of this position they tell us there was no trouble when Cleveland was elected in 1884; that they had not done anything, and congress had not even assembled when the panic of 1893 broke upon us, and that prosperity did not begin to return until after the tariff legislation of the last congress was enacted.

All this is easily answered. Cleveland was elected in 1884 upon a platform that contained no financial heresies, and demanded enough protection to cover the difference between wages in this country and foreign countries. All through the campaign that platform was interpreted by Democratic speakers and Democratic newspapers to be a substantial acceptance by Democracy of the principles, policies and purposes of the Republican party, and everywhere they appealed for votes on the ground that if they should succeed to power there would not be any change of policies to affect and disturb business, but only a change in the personnel of the officials who should conduct our public affairs. Therefore, when Mr. Cleveland was elected there was no cause for alarm in the business world. He was not only pledged to sound principles and policies, but there was left to us a Republican senate, which made it impossible for him to break that pledge if he wanted to.

But in 1892 it was different. Instead of declaring in their platform for enough protection to equalize wages, they declared against all protection, not only as impolitic—but as unconstitutional, and pledged themselves to destroy the whole system, root and branch.

In addition to this, they startled the financial world by declaring in favor of state banks of issue. Mr. Cleveland was elected, therefore, in 1892, upon a platform radically different from that upon which he stood in 1884, and there was no Republican senate left to prevent the enforcement of its declarations, but both senate and house were Democratic, and nothing remained to prevent the enactment and enforcement of laws in accordance with the pledges that had been given and the threats that had been made. The result was that when the business world saw what had been done, it took fright. It was not necessary to wait for congress to meet and pass laws. The mere presence of the Democratic party in power, armed with authority to execute such pledges was sufficient. No man could know under what conditions he would have to do business, and this uncertainty, coupled with just apprehension of vicious legislation to follow was enough to stop all business. In other words, it was not what the Republican party had done, but what the Democratic party was threatening to do, that made

all the trouble. It was the menace of free trade, wild-cat money, and states' rights ideas generally, with all the incompetency and lack of patriotism involved, succeeding to the broad, comprehensive, aggressive, patriotic statesmanship that we had been enjoying, that occasioned the fright, and brought the panic, with all its train of evils.

Why Business is Reviving.

And as it was the mere incoming of the Democratic party that destroyed our prosperity, so, too, is it now the incoming of the Republican party to power that is restoring prosperity. Throughout 1893, and until the adjournment of congress, at the close of August, 1894, the country had an object lesson it should not soon forget. It had been thirty years since

The Democratic Party

Had been in control of the presidency and both houses of congress. During all this period they had been simply a party of opposition. Each man had his own views of what was meant by Democratic platforms, and as to what constituted Democratic principles, and as to what form of legislation was necessary to express and apply them. It was soon developed that Democracy was one thing to Mr. Cleveland, another to Senator Hill, something else to Mr. Brice, widely different still to others, and that scarcely any two were agreed either as to Democratic principles or Democratic measures. When, therefore, congress convened, it was quickly made manifest that, except only to destroy the Federal election laws, the party in power was without unity of sentiment with respect to principles, policies or purposes. Its representatives could not agree upon anything. The house quarreled with the senate; the senate quarreled with the house; the members of each body quarreled with themselves, and the president quarreled with all of them. The struggle over the tariff was protracted and disgraceful beyond expression. The bill brought in by Mr. Wilson and passed by the house was in keeping with the platform. It was a distinctive free trade measure, that eliminated every vestige of protection from our statutes. It was framed in the committee by its Democratic members without consultation with their Republican colleagues, and practically without granting a hearing to the great interests and industries that were to be affected. It meant the permanent overthrow of the protective policy under which we had experienced the greatest development and the richest prosperity. Instead of allaying, it intensified the panic, but the worst phases were not developed until the bill reached the senate, and the country witnessed the scenes that followed.

The Tariff Bill in the Senate.

That body was designed by the framers of our government to be the conservative force in our institutions, upon the patriotism, integrity and wisdom of which reliance could be placed under all circumstances. The country looked to it with hope, but only to be disappointed. Instead of prompt and patriotic action, weeks and months were consumed in quarrelsome and undignified debates that increased distrust by showing hopeless divisions, bitter prejudice, gross incapacity and apparent disregard for the welfare, credit and good name of the republic.

Patience ceased to be a virtue and hope gave way to despair when finally it became manifest that the United States senate, in which had sat Clay, Webster and the loftiest characters of the American people, was dominated by Wall street, and that selfish interests and gambling for personal fortunes had more

to do with determining legislation than a patriotic consideration of the condition and wants of the country.

The thoughtful were sickened and the unfortunate were infuriated. The panic widened and ripened into riots and armed insurrections that resisted the the constituted authorities and made it necessary to invoke the military to prevent anarchy, preserve the peace and protect life and property.

It finally became apparent that no tariff bill could ever be passed by that body in the usual way.

Bargaining and bartering then became the order of the day, and finally, to extricate themselves from the confusion and scandal that followed and secure the enactment of some kind of a measure, an agreement was entered into by which the whole subject was relegated to Senators Vest, of Missouri; Mills, of Texas, and Jones, of Arkansas, as a sub-committee of the Democratic caucus, to frame a bill which all should accept, support and vote for, whether it accorded with their judgment, protected the interests of their respective constituencies and promoted the public welfare or not.

The making of such an agreement involved for every senator who entered into it a surrender of his judgment, his freedom of action, his authority to independently represent his state, and a violation of his sworn duty to the whole country. In no other way could the requisite number of votes to pass a bill be secured, and by this means they could secure only enough without a single one to spare. It was not possible, in the nature of things, to thus enact an acceptable law. It was not any surprise, therefore, that the act when passed gave universal dissatisfaction. It relieved nobody, but exasperated everybody. President Cleveland denounced it as "party perfidy and party dishonor," refused to sign it, and appealingly inquired: "How can the Democratic party face the people?"

The Democratic party could not face the people, and the congressional elections of 1894 went overwhelmingly Republican. And then, and not until then, hope set in. When the people saw that there could be no more Democratic legislation they felt that the deepest depths had been sounded, and that they had only to hold out until 1896 could bring complete relief.

Does any man believe it would help business if Ohio should go Democratic this year? Does not every man know that the best thing for the business of this country that can happen this year is a Republican victory in this state, and that the larger it is the better it will be? And is there not in this fact alone conclusive proof that the times are improving, not because of anything the Democrats have done, but in spite of all they have accomplished, and because it is believed that the triumphant restoration to power of the Republican party is near at hand?

The Wilson-Brice-Gorman Law.

But we are told by Senator Brice that with some few amendments this tariff law will prove the wisest and best the country has ever had.

There is a story of a man who had a gun which, with a few exceptions, he was very much pleased with. He did not want to part with it, and therefore undertook to amend its deficiencies. He first got a new lock, then a stock, and finally a new barrel, and when he had a new lock, stock and barrel he was entirely satisfied with his "old gun."

It will not be necessary, probably, to do away so completely with the present tariff law, but it will be necessary to make some very radical changes in its provisions, and to add to it some very important amendments before it will ever give satisfaction to the American people. The changes will be so numerous and so vital that practically a new law will be necessary.

Some Needed Amendments.

To begin with, the whole subject of the tariff will have to be revised on protection lines, with a view to making such rates of duty, and so placing them as to raise enough revenue to support the government, and afford such protection as may be necessary to enable us to maintain our markets, our diversified industries, our skilled mechanics, and enable us to pay the American standard of wages to the wage-workers of the nation.

The expenses of the government under this law are about fifty millions of dollars greater annually than its receipts. Corresponding deficits are the result, and in consequence we see this great country, with its wonderful resources and untold wealth, constantly running into debt, and, with impaired credit, offering its bonds instead of its surplus products in the markets of the world.

All this must stop, and will stop when the Republican party comes into power. We must have no more deficits, no more bond sales, no more gold syndicates, but ample revenues, and a sound currency, the poorest dollar of which whether gold, silver or paper, will be as good as the best dollar of any country in the world.

The present law repealed the

Reciprocity

Provisions of the McKinley law. These provisions must be re-enacted so that our markets may be used to secure such additional trade relations with other countries as will enable us to extend our commerce on terms of advantage. At another time I shall dwell upon the importance of this. I can only suggest it now.

There is one other provision of the present law that must be repealed, which Senator Brice is directly and altogether responsible for, and that is the

Free Wool

Clause. The Hon. Frank Hurd, in his speech as chairman of the Democratic state convention in 1894, said:

"I have said that free wool is the most important feature of the new measure. It is worth more to tariff reform than all other provisions of the law put together. The organization to defeat this part of the bill was strong and compact. It came principally from Ohio, where the Ohio Wool-Growers' Association has been long established. As Ohio was the greatest wool-growing state, the arguments were especially directed to the Ohio members of congress. To their credit, be it said, the Democratic members in the house stood firm, every one voting for free wool. For the final passage of the wool clause, when by one word he could have defeated it, more credit is due to the junior senator from Ohio, Calvin S. Brice, than to any other influences, or to all other influences combined. His independence and courage saved tariff reform the most important feature of the bill as it passed the house."

And he did not speak the word. Consider the consequences to the farmers of Ohio.

Sheep husbandry is one of our most important industries; almost every farmer in Ohio raises sheep and grows wool. The statistics show that we had in Ohio in 1894, 3,555,403 sheep, and that in 1895 we had but 3,005,182. These figures tell a startling story. They show that the sheep of Ohio are being slaughtered at the rate of more than 500,000 per annum, or about 1,500 per day. This is due to the fact that the shrinkage in their values, and in the value of their wool is so great that sheep raising and wool growing have become unprofitable. It means the loss of millions of dollars to the farmers of this state, without any compensating benefits whatever.

The Caucus Amendment.

What excuse has Senator Brice given us for not speaking that "one word?" In published interviews he has said that he was one of the parties to the agreement, whereby the Democratic caucus had left to the three senators from Missouri, Arkansas and Texas, the whole subject of a tariff bill, to do with as in their judgment might be best, and that agreement bound him to accept free wool because they so decided. The case, as he puts it, shows that he surrendered his commission to represent Ohio to the senators named, and allowed them to vote for Ohio instead of voting for Ohio himself.

It is not too harsh to say that such action was utterly indefensible. It was indefensible upon the facts of the case measured by practical results. It was indefensible upon theory. It was a plain, unqualified relinquishment of a sacred trust that no party exigency could justify.

It aggravates the case to recall that when Senator Brice voted, without a word of protest, against the Ohio farmer, for free wool, at the dictation of these southern senators, he also, at their dictation, without complaint or objection of any kind, voted to impose a duty equal to an ad valorem duty of 40 per cent. on sugar, 83.89 per cent. on rice, 36 to 45 per cent. on cotton manufactures, and also substantial duties on every southern product or interest that the southern senators wanted protected.

Brice's Record.

That is Mr. Brice's record only in a very small part, but it is sufficient to show that he should not be re-elected.

It is urged, however, that he is better than his party, and that the tariff bill so passed was better than it would have been but for his labors and influence as a Democrat with his fellow Democrats.

However that may be, it is certain beyond all question that had a Republican occupied his seat no tariff bill of any kind would have been passed, and the McKinley law would have remained undisturbed. Had Mr. Brice refused to be bound hand and foot by a caucus agreement, if he had refused to be bucked and gagged by the three senators from the great manufacturing (?) states of Texas, Arkansas and Missouri—if he had only stood up for his right to represent Ohio, according to his own judgment, and demanded protection for wool, he would have defeated the whole measure, since without his vote it would have been impossible to have repealed the McKinley law, or to have substituted any measure of any kind for it. In that event he might have had some claim for important services rendered to his country, but as the case stands he has no claim whatever.

The repeal of the Federal election laws, the hopeless divisions of the Democrats on the silver and currency questions, making it impossible for them to command the confidence of the country in legislating on those subjects, and the unpatriotic administration of the pension department, are matters I shall discuss at another time, when I can give them the full attention they merit.

Foreign Policy.

So, too, must I pass over, for the present, Mr. Cleveland's foreign policy. Suffice it now to say that Hawaii, Nicaragua and Venezuela are three striking chapters that no patriotic American can ever recall without feeling his cheeks mantle with shame.

The Real Issue.

It is the combination of all these topics that makes up the one great question whether or not the Democratic administration, with its failures at home and its disgraces abroad, shall be indorsed by the intelligent, liberty-loving, patriotic citizens of the great state of Ohio. No matter what else may be talked about in the impending canvass, this is the paramount inquiry that each and all must answer at the ballot-box.

For the last two years the Democratic party has been broken and demoralized. Appalled and dismayed by the consequences of their own acts, tens of thousands of Democrats have remained away from the polls, refusing to vote, or, exercising the right of suffrage, have voted the Republican ticket. This year they are making frantic efforts to reform their lines. We hear a great shouting among the captains of their hosts, accompanied with loud proclamations that Ohio is going Democratic.

Ex-Governor Campbell is announcing that he will defeat General Bushnell and Senator Brice is reported to have said that he will carry the legislature if it costs him every cent he is worth.

The consequences of this contest are far-reaching. A Democratic victory in Ohio this year would mean a Democratic victory in the nation next year. No man can exaggerate the disastrous consequences of such a result. But aside from the public interests involved, the people of Ohio owe it to themselves to resent the imputation that one of the highest offices in their power to bestow is to be sold in the market like a chattel. The battle we are to fight is not only for Republicanism, for nationality, for prosperity and progress, but it is also for decency, honesty and the good name of our great commonwealth.

General Bushnell.

I congratulate the Republicans of Ohio that in such a contest they have such a candidate as General Bushnell. He is a typical American citizen. By his own unaided efforts he has made his life pre-eminently successful. By countless deeds of charity he has made friends of all who love humanity, and by his patriotic services as a soldier and his life-long devotion to the cause of Republicanism he has endeared himself to every member of the party of Lincoln, Grant and Blaine. He will prove a worthy successor to the greatest men who have filled the office for which he has been named, and give to the state one of the best administrations it has ever enjoyed. Let us rally to his support as one man.

Governor McKinley.

And now as to Governor McKinley. I was at the Zanesville convention. I know something about the platform that was adopted there. I had something to do with it. I believed in it then, every line of it, from the beginning to the ending, and I believe in it now. I was willing to stand on it then; I am willing to stand on it now. And there was not any provision in it that met my approbation more heartily than the declaration that next year Ohio Republicans should stand as one man in presenting Governor McKinley to the national convention as our candidate for president. By long years of faithful and distinguished service to the party he has won for himself that high honor. After we have carried Ohio this year for General Bushnell, we shall be in splendid trim to ask something of the Republicans of the United States.

SPEECH OF ACCEPTANCE
— OF —
SENATOR J. B. FORAKER

Made before the
GENERAL ASSEMBLY OF OHIO

January 13, 1896.

Mr. President and Gentlemen of the Senate and House of Representatives: I have come in answer to your call. I have come to accept the high honor you have seen fit to confer. I have come to thank you for that action, and the compliment and the confidence involved, and I have come to give you my assurance that I shall do all that in my power lies to discharge the duties of the position with fidelity and to your satisfaction. It is a great honor to be chosen under any kind of legitimate circumstances to represent such a State as is Ohio in the Senate of the United States.

I trust I may say without impropriety that honor in my judgment is enhanced by the circumstances attending this selection. To be first unanimously endorsed by the representatives of my party in State Convention assembled, and then to have that endorsement approved by a majority of one hundred thousand at the polls, and now to have that endorsement and that approval accepted and ratified and confirmed by the unanimous vote of the largest representation in the General Assembly of any political party ever known in the history of our State, is to make this as nearly

the direct work of the people as it is possible under our constitution to make it. (Applause).

That feature of this election adds to the gratification I experience on this occasion. It does more, and it is because it does more that I make reference to it. It impresses me that it is my duty, as it shall always be my pleasure, to recall that I have been chosen not by a factional part, but by the whole united Republican party of Ohio. (Applause). In consequence of that fact it shall be my pleasure, as well as duty, to ever remember that the Republicans of Ohio should one and all receive at my hands equal consideration. (Applause).

There is another feature of this occasion pleasing to me, and I want to speak about that. It is the conduct of my Democratic fellow citizens of the State of Ohio, and of this General Assembly. It is true you did not support me, you did not vote for me. I can not thank you for that, but I can thank you, and I do most sincerely, for the fact that your opposition has been purely and only partisan. (Applause). From the inception of this contest down to this closing scene, I have enjoyed at your hands only the most distinguished courtesy and have been made by you the recipient of unvarying marks of personal regard and personal esteem. (Applause). Be assured I appreciate it; be assured I thank you for it; be assured it adds to the pleasure it will always be for me whenever I can consistently do so to serve you to the utmost of my ability. (Great applause). It makes it easy for me in going to the Senate to remember that I am there to represent the State, the whole State, and all the people in the State.

I go there, however, as a Republican. (Cheers). I belong to that party. I believe in that party. (Applause). I believe in its past; I believe in its present; I believe in its future. I believe it is the most acceptable agency we can command in the administration of our National affairs. I believe it is better calculated than any other political or-

ganization to contribute to the strength, power, dignity, happiness and glory of the American people. (Great applause). Entertaining that belief, I shall at all times be found acting with that party. I shall uphold its organization and its discipline, without which no political party can accomplish its mission. (Great applause). I shall be found advocating and supporting its measures, its policies, its doctrines and its purposes.

To be more specific, I believe in the protection of American industries and American labor. (Great applause). I believe that the revenues of this Government should be ample to meet all its necessary expenditures when patriotically administered. (Applause). I believe in the restoration and the development of the policy of reciprocity, so happily inaugurated under the Harrison Administration and so inconsiderately destroyed by this. (Applause).

I believe also that the time has come in the development of the American people and in the progress of our Nation when our commercial relations should be extended. I believe our merchant marine should be upbuilt, to the end that American goods may be carried in American bottoms under the American flag in all the channels of trade. (Applause). And I believe that this Government should possess a navy adequate to the protection of our interests and to command respect for our flag in all the waters of the world. (Applause).

I believe also in the Nicaragua Canal. It is incomprehensible to me how the American people, so able to accomplish it, should have allowed that great enterprise to go undone until now; that they should have been content when sailing from the Atlantic to the Pacific coast to go ten thousand miles out of the way around the Horn, through tempestuous seas and inclement seasons. I believe it is one of the great duties of the American people to build that canal and to build it at once.

(Applause). And I not only believe that they should build it, but that they should control it. (Applause). I believe they should build it and control it without co-partnership with Great Britain or anybody else. (Applause). I believe that the only right which any people should be allowed to have with respect to it is the right to freely use it for all peaceful pursuits and upon payment of such reasonable tolls as may be enacted. (Great applause).


I believe also in bimetallism. (Applause). I believe the world made a mistake when it demonetized silver. (Applause). I sincerely hope some safe way may be found for the restoration of silver to its rightful place alongside of gold as a money of ultimate redemption. I shall favor every measure calculated, in my judgment, to bring about that result, subject always, however, to the condition that it provides for the maintenance of the parity of the two metals. (Applause).

Every dollar of money issued by the United States Government, whether gold, silver or paper, must be of exactly equal value with every other dollar. (Applause). The United States can not afford to have a currency system or a money standard less good or less high than the best in all the world. (Applause).

These suggestions only inadequately indicate the heroic questions that are before us for settlement. If they be rightly solved, there is ahead of us in the immediate future a greater prosperity than the American people have ever enjoyed. (Loud applause). And there is ahead of us, as our ultimate destiny, a greatness and a grandeur that no language has ever yet sufficiently described. The commission you have voted me authorizes and commands me to be a participator in the solution of these problems. I accept the trust with a profound appreciation of the grave responsibilities that are involved.

The MERCHANT MARINE.



98
Speech of 

Hon. J. B. Foraker

To the Republican Club of New York

February 12, 1896,

In response to the toast :

“THE REPUBLICAN PARTY.”

Mr. Chairman, Ladies and Gentlemen :

I sincerely thank you for so kind, so cordial, and so complimentary a greeting. I wish I knew how, better than I do, to make fitting response to it. It seems to me all I can think of to say is simply, I thank you ; but that I do with all my heart.

In undertaking to address you, I labor under at least two embarrassments. In the first place, I do not think I ever heard an abler, a more beautiful, a more appropriate speech than that to which we have just listened. (Great applause). And it seems to me that the very best thing I could possibly do would be to move that we adjourn in order that the impressions made by that address might be left undisturbed upon our minds. Another embarrassment is that I recall, as I undertake to think of something to say in answer to this sentiment, that I once before addressed this same club upon this same subject, and told you then all I knew about it up to that date ; that cuts me off from the discussion, at least in large part, of the past of the Republican party. But perhaps that is as well as otherwise, for

the past of the Republican party really needs that nothing should be said for it. It will take care of itself. It needs no eulogy. (Applause). It is sufficient to say it is replete with glorious achievements. The great days and the great men of the Republican party of the past will forever challenge the admiration of the world. (Great applause). And as the past is full of glory, so is the present resplendent with triumph. No political party ever before won such victories as we are now enjoying at the hands of those who defeated us, for, in the hour of their ascendancy, there has come to us our most signal vindication. The Democratic party in power has been a sore trial for the country, but it has brought to all the rich blessings of experimental education. (Laughter and applause). As a result, the people of this country know more than ever before of the relative work of Republicanism and Democracy. They know more about our principles and less about theirs. (Laughter). It is no longer necessary, and there is a great saving in that when we come to the campaign oratory, to make an argument to demonstrate that if you manufacture a product abroad you do not need to manufacture it here. (Laughter). And even the most obtuse man can in the light of this experience comprehend that if other countries supply our wants the result is greater activity and prosperity for them, with corresponding idleness and distress for us. We have passed from the troubles of a surplus to the study of a deficit. (Laughter and applause). We have seen our credit impaired, our currency deranged and an endless chain of demands and evils, resulting in bond issues, bond syndicates and bond scandals. (Laughter).

Without an exception, our home policy has brought only rack and ruin, while our foreign policy has been an uninterrupted chapter of disappointment and mortification. To make a long story short, three years of Democratic rule has demonstrated the heresy of Democratic principles, and

established the wisdom and patriotism of ours. (Applause).

They have done more. They have made it manifest that there is absolutely no harmony of opinion among Democrats as to what Democracy means. (Laughter). You can scarcely find two of their leaders who can be said to be in strict accord as to what constitutes the Simon-pure article. (Laughter).

• They are hopelessly divided upon every great question. We have seen the House quarrel with the Senate; the Senate quarrel with the House; both Houses quarrel with the President, and the President refuse to agree with anybody. (Laughter).

In the presence of the whole nation, and at a time of the most serious peril and grave responsibility, we have been treated to exhibitions of "party perfidy" and the "communism of pelf," while months passed with nothing done except to demonstrate incapacity to do anything at all, and now, finally, as a sort of grotesque climax to the whole miserable business, we have been called to witness the spectacular performance of the successor of John C. Calhoun, a Senator of the United States from the state of South Carolina; sah (laughter), standing up in his place in the most august body on earth, and in the name of statesmanship, to use his own language, "sticking a pitchfork into the big, fat ribs of a Democratic President." (Laughter and applause). Such experiences as this have made it painfully clear that great, rich and powerful as our country is, there can be no prosperity unless wisdom, patriotism and sound business sense are applied in the conduct of its affairs. (Applause).

Everybody knows, and nobody better than the Democrats themselves, that the Democratic party lacks all these essential requisites of success. (Applause). As a result, hundreds of thousands of them, preferring country to party, have bolted their organization and cast their lot

with us. They voted with us last year, and they will vote with us this year. The elections of next November will triumphantly restore the Republican party to power, and the fourth of March, 1897, will mark the beginning of the second era of Republican rule. (Cheers). One can speak with confidence of past events and of existing conditions. It is seldom that we can forecast, without some misgiving, the future, but it is safe to predict that certain things will come to pass when the Republican party regains control of the Nation. It is safe, I take it, to assume that practically without dissent or debate, there will be a revision of the tariff on protection lines (applause), to the end that our Government may have a sufficient revenue and our industries and labor a sufficient protection. (Cries of "Good!"). With equal unanimity, reciprocity will be restored and made a permanent feature of our commercial policy. With, perhaps, not so much unanimity, but with absolutely as much certainty, the high monetary standard Republicanism has ever represented will be upheld and our currency and banking systems will be preserved and perfected. (Great applause).

I pass all these matters by as undebatable, in order that I may have time left to speak a few words with respect to two or three other subjects, concerning which the Republican party will have a duty to discharge, about which there may not be so much unanimity, though I hope there may be. The first of these in both thought and importance is

OUR MERCHANT MARINE.

(Applause). This is a vast and a complicated subject, impossible to be elaborately discussed, or discussed at all, in any proper sense of the word, in an after-dinner speech. I do not refer to it, therefore, for the purpose of discussing it, but only that I may, if, happily, I may

be able to do so, favorably attract attention to it. Speaking upon it in this way, allow me to remind you that when our fathers had achieved our political independence, and had organized our government, they recognized that their work was not done. They at once undertook the work of securing our industrial and commercial independence also. They succeeded. They accomplished their purpose by simply applying the principles of protection to both land and sea. We are all familiar with the wonders wrought in the development of our resources through the agency of protective duties on imports, but apparently only the limited few are aware that our achievements at home had their complete counterpart on the water. The basic proposition on which the fathers proceeded was that it should be made advantageous to carry goods in American-built ships. (Cries of "Good!"). To that end they resorted to discriminating duties in tariff and tonnage. The result was a phenomenal development in ship building and a marine that carried under the American flag at one time more than ninety per cent. of our imports and almost as large a percentage of our exports. But, as bad luck would have it, they had the theorist with them in that day as we have him with us in this, and then, as now, his favorite theme was Free Trade. He succeeded in persuading Congress to agree with him, and as a result, by a series of enactments ending in 1828, the last vestige of protection for American shipping was removed.

The seductive phrase then employed was not "the markets of the world," or "tariff reform," but "reciprocal liberty of commerce." But it meant, as these modern phrases do, simply free trade—free trade on the ocean—and the application of the doctrine, when made, brought to American shipping the same blight that has ever attended the application of that doctrine in our experience. Decline

at once set in, and thirty per cent. of our foreign carriage had been lost when the war came and swept away twenty-five per cent. more of it. The work of saving the Union and solving the great problems growing out of that struggle, the problems of emancipation, enfranchisement, reconstruction and specie resumption, so pressed upon and occupied the Republican party that it had no opportunity to properly address itself to this subject until Mr. Cleveland's first administration was over.

Had President Harrison been re-elected, the probabilities are that something effective would have been done ere this; but he was not re-elected, and the tide has relentlessly run against us, until we now carry only twelve or thirteen per cent. of our foreign trade. It can scarcely be said that we have any longer an American marine. There are a number of views in which this is both discreditable and unfortunate. In the first place, there is the patriotic view the pride every American should feel in seeing his country's flag in all the waters of the world. And then there is the Naval view; a nursery of seamen to man our battle ships in time of war; and then who can over-estimate the value of the employment it would afford to our people and our capital, or the indirect advantages that would result to us from the prestige it would give us in our trade relations.

But consider here for this evening only one feature of it, the direct indisputable financial results. Careful estimates show that we are paying annually more than one hundred and fifty millions of dollars in gold to foreign ships for the transportation of freight and passengers, every dollar of which should and would be paid to ourselves if our merchant marine was what it once was, or what, if we do our duty, it will be again. (Applause).

It has been computed that within the last thirty years we have paid out in this way more than five times the

amount of all the gold balances which we have been compelled to export. It has gone far enough. The time has come to change it. What is the remedy? A great many have been suggested; some good, some otherwise. I have no time here to enter upon the discussion of them, for the reasons I have already given you, and, therefore, I content myself with the simple declaration that the time has come for this great question to receive heroic treatment. Temporizing expedients will no longer answer.

The first starting point in the whole business is for us to plant ourselves upon the broad, underlying, patriotic proposition that we will not buy but build our ships. (Applause).

The brand of America must be impressed upon every timber of every craft we sail (applause), and we must not relax our efforts until the United States flag again floats over ninety per cent. of our merchant marine. (Cries of "Bravo!"). Bounties and subsidies and subventions are good enough in their way, but they are distasteful to the American people, and I have no faith in any policy that depends upon them. The practice of the founders of the Republic was wiser and better. Let us return to it. Let us profit by their wisdom and experience. Discrimination in tariff and tonnage duties worked wonders once. It will do it again. Put your bounties on American ships. Subject the free list of imports to the condition that they are brought into our harbors in American bottoms, under the American flag. (Applause). Allow a rebate of ten per cent. on all dutiable goods of our own carriage. (Applause). And when we come to a treaty of reciprocity, engraft upon it as one of its provisions that the goods mentioned in the treaty shall have the benefits of the treaty only on condition that they be carried in the ships of the reciprocating countries. (Applause). Protect American marine insurance and American shipping from the tyranny, the oppres-

sion, the injustice that have been practiced by foreign marine insurance for a third of a century, and the work is done. (Applause). But, says some one, there are treaty stipulations standing in the way of some of these suggestions. That is true as to some of them, but that only suggests the starting point in this patriotic work. We have experimented with this condition of things long enough. If there be anything standing in the way, it must be modified or abrogated. That is our right; that is our privilege; that is our duty toward the American people. In short, it must be understood, and that is all I want to say about it, that America must be free to take, and hold, and enjoy her rightful place on the oceans that belong in common to all the nations of the world. (Great applause).

And now, hand in hand with that, goes another duty, a duty that every patriotic heart should sanction, a duty that has been impressed upon us by recent events. We must not only recover our merchant marine, but we must have a navy able to protect it and to command respect for the flag wherever it is. (Great applause).

And as a fit complement of an American marine and an American navy, we should at once build an American ship canal across Nicaragua. (Applause). It is incomprehensible that the American people should have been content until now, when sailing ships from the Atlantic to the Pacific coast, to go ten thousand miles out of the way, around the Horn, through tempestuous seas and inclement seasons. The commerce of the world demands the building of that canal, and if we do not build it somebody else will build it. Every suggestion of patriotism prompts and commands us to the work. (Applause). We should not only build it, but control it. No one else should have any co-partnership in it with us. (Applause). It should be open to the free use for all peaceful purposes of all other nations, subject to the condition that they

pay such reasonable tolls as we may see fit to exact. (Applause).

These, my Republican friends, not to detain you longer, are three majestic works. They are worthy of the party that saved the Union and gave to immortality the great names of Lincoln and Grant. (Applause). Their undertaking will be a fit crowning of the closing century, and their consummation will bring wealth, power, happiness, honor, glory, magnificence and grandeur to the American people, and so entrench the Republican party in the hearts of all this people that neither you nor I will live long enough to see another Democratic President. (Cries of "Good!" and applause, and "Three cheers for Foraker!").



Foraker

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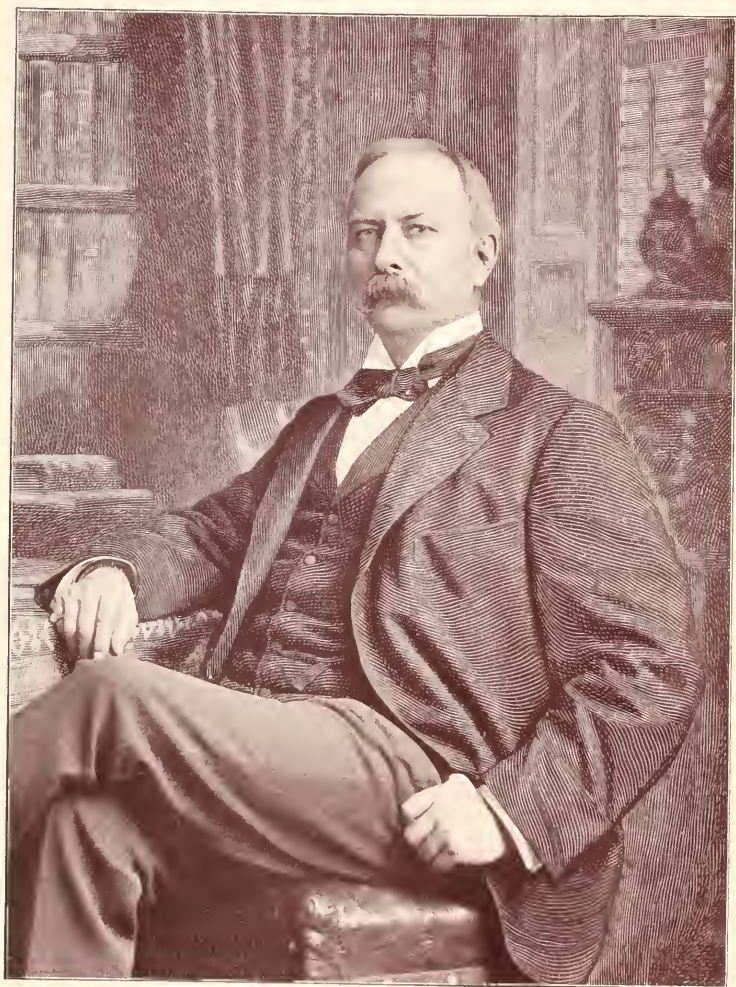
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JOSEPH BENSON FORAKER.

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• Testimonial Souvenir •

Joseph Benson Foraker

Sketch of the Cincinnati Banquet given in his Honor on the Occasion of his
Election as Senator of the United States for Ohio,
February 22, 1896



“A Patriot’s is a dangerous post
When wanted by his Country most”
—Swift.

Under Direction of Senator Foraker’s Friends

By George Mathews

Cincinnati, 1896

PRESS OF
THE JONES BROTHERS PUBLISHING CO.
CINCINNATI, O., 1896

A TRIBUTE.

In leadership the foremost man is he
Who stands for country and, with lifted hand
Calls to the patriot people! his command—
A clarion cry heard far by land and sea—
Awakes the holy passions of the free!
Grave senates hear him, and his native land
Makes him her watchman in her towers, to stand
And cry the "All is well" of Liberty!

Lo, such is he who rises for his State,
And leads her thought, and battles in her cause,
And wears fresh laurels in her glorious name!
Hero and captain, champion in debate,
Man of the people, maker of their laws,
Neighbor, and friend, and statesman full of fame.



JOSEPH BENSON FORAKER.

Prefatory



THE occasion which has called forth this simple brochure and tribute is easily understood. A distinguished citizen of Ohio, honored by the people of the Commonwealth, received on the birthday of the Father of our Country, 1896, a testimonial banquet given by the citizens of Cincinnati as a mark of their esteem and admiration. The recipient of this honor was Senator-elect Joseph Benson Foraker, whose name for a full score of years has been identified with the public life of Ohio. The recent mark of esteem and confidence was one of many such tributes, but it had an important and peculiar significance. The event distinguished the accession of Mr. Foraker to one of the highest electoral dignities in the gift of any people.

The United States is the greatest free government in the world. The Senate of the United States has no equal as a body of deliberative councilors. It is peculiarly constituted. Its members represent commonwealths as such, and the peoples of the respective commonwealths in their aggregate and several capacities. Though all Senators are of equal rank, there is a sense in which they are most unequal. In their representative capacity they may stand for small commonwealths, or for states of imperial extent.

Such an imperial State is Ohio. Third among the members of the Union in population and wealth, she may be regarded as one of the greatest free communities existing on earth. To represent such a State in the greatest senatorial body of the world, is a distinction of which the most ambitious citizen may well be proud. To be called to such a station at a time of life when most men are still regarded as young, correspondingly increases the honor. It is proper that a recipient of so great a distinction should feel a manly and ennobling sentiment of pride at the honor done him by his fellow-countrymen.

Joseph B. Foraker is a man so honored. He is Senator-elect from the great state of Ohio. He is a Cincinnatian. He has long been identified with the public welfare of this great city, and the people of Cincinnati have recognized in this event an opportunity of compliment to a leading citizen.

It has been thought that the complimentary banquet given to Mr. Foraker at the Cathedral of the Scottish Rite in token of the appreciation of the people of Cincinnati, should not pass without leaving some record of itself more permanent than the passing memory of a busy population. It is for this reason that the facts, circumstances and speeches of the occasion have been gathered and put into a permanent form in this testimonial pamphlet which is sent to the friends of Senator Foraker as a token of friendship and goodwill.

The Senator is not himself responsible for this publication, or for the terms of compliment in which it is made. It is wholly the work of his friends, who design it as a tribute to a man who has won the applause of the Nation, and at the same time retained the affectionate regard and confidence of his friends and neighbors.

Biographical.



JOSEPH BENSON FORAKER, recently elected Junior Senator of the United States from Ohio, is a native of this Commonwealth. He was born near Rainsborough in Highland County, Ohio, on the 5th of July, 1846. He has not yet completed his fiftieth year. In both mind and body he is young, elastic, full of spirits, warmed with a laudable ambition, and kindled with what the author of *Ecce Homo* calls "enthusiasm of humanity." The parents of Senator Foraker are still living. They belong to the class of people who cultivate the soil, and at the same time cultivate men and women. Joseph B. Foraker spent the first years of his life on a farm in close touch with the ground and in sympathy with the ennobling influences of nature.

Passing from the period of his early boyhood, and with no note of his school-days in the country, we find him at the *age of sixteen* enlisting in the Union Army. He volunteered as a member of Company A, in the 89th Regiment of Ohio Volunteers. The date of his enlistment was July 14, 1862, nine days after his sixteenth anniversary. A young soldier—but many such followed the flag and fought our battle.

Young Foraker served with his regiment until after the fall of Atlanta. By that date he had risen to the rank of First Lieutenant. After the capture of Atlanta he was detailed for service in the signal corps and was assigned to duty as a signal officer on the staff of Major-General Slocum, who was in command at that time of the left wing of Sherman's army.

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After the march through Georgia and the Carolinas Lieutenant Foraker was promoted to the rank of Brevet-Captain of United States Volunteers and was assigned to duty as Aide-de-camp on the staff of General Slocum. This position he held until he was mustered out of the service at the close of the war. That event found him, at the age of nineteen, a veteran of three years' service.

After the war Captain Foraker resumed the studies which he had cast aside in order to enlist, and became a student at Cornell University, Ithaca, N. Y. From that institution he was graduated at the close of his twenty-third year, in the summer of 1869. During his collegiate course he took up and prosecuted the study of law, so that after his graduation he was able to begin to practice. He came to Cincinnati and was admitted to the bar on the 14th of October, 1869. From that date—distant from the present by more than twenty-six years—he has practiced the duties of his profession in Cincinnati, with only such disturbances as have been incidental to his public life.

On the 4th of October, 1870, Mr. Foraker was married to Miss Julia Bundy, daughter of Hon. H. S. Bundy, of Wellston, Ohio. Of this union have been born five children—two sons and three daughters—a happy family, all of whom survive.

The public life of Captain Foraker began in April of 1879, when he was elected Judge of the Superior Court of Cincinnati. This position he occupied until the first of May, 1882, when, on account of ill-health, he resigned the duties of the judgeship. On his recovery, however, he resumed the practice of his profession in the city of his choice. In 1883 he

received the nomination of the Republican Party for Governor of Ohio, but was defeated by his Democratic opponent, Judge Hoadly. In 1884 Mr. Foraker was a delegate to the National Republican Convention and was chairman of the Ohio delegation. In that relation he put in nomination for the Presidency Senator John Sherman. In the following year he was a second time nominated for Governor against Judge Hoadly and was successful. He was chosen Governor of the commonwealth by a handsome majority. In 1887 he was a second time elected to the same office. In the following year he was again a delegate to the Republican National Convention, and was chairman of the delegation from Ohio. In this convention also it was his duty to place John Sherman in nomination for the Presidency, but the nominee failed of gaining a majority of the delegates.

In 1889 Mr. Foraker was for the fourth time named for Governor, but was defeated by ex-Governor James E. Campbell. Mr. Foraker then remained in private life until 1892, when he became a candidate for the office of Senator of the United States for Ohio. He received thirty-eight votes but was defeated by Senator Sherman. In this year he was for the third time delegate at large to the Republican National Convention and served in that body as chairman of the Committee on Resolutions.

By this time the term of Hon. Calvin S. Brice in the United States Senate was drawing to a close and the voice of the people of Ohio was strongly heard in behalf of Mr. Foraker for the position. In the State Convention at Zanesville, held on the 28th of May, 1895, a resolution was unanimously passed endorsing Mr. Foraker as the Republican

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candidate for United States Senator. At the ensuing November election a Republican legislature was chosen by a majority of over one hundred thousand votes. The sentiment in favor of Mr. Foraker had become overwhelming, and when in January of 1896 the legislature assembled all show of opposition had melted away. Without the formality of a caucus, and by the unanimous vote of his party, he was elected to the Senate of the United States for the term of six years, commencing with the 4th of March, 1897.

The State Republican Convention of 1896 was held in Columbus on the 10th and 11th of March. Senator Foraker presided over the convention as its chairman and was by acclamation chosen for *the fourth time* to represent the State of Ohio as one of its delegates at large to the Republican National Convention to be held at St. Louis on the 16th of the following June.

Such is the briefest outline of the career of one of the great men of Ohio. Senator Foraker is in his prime. He is regarded with admiration not only by the people of the State which he honors and that honors him, but also by the people of the whole Nation. He is primarily a man of the people. His sympathies are broad and patriotic. He is strongly on the side of the people and is devoted to American interests in the highest and best sense of that term. His instincts as an old soldier of the Union are blended with the patriotism of the civilian, composing a character as admirable as it is humane. The good wishes of the people of Ohio will follow him to his high place in the Senate with the same confidence and pride with which they have regarded him in all the previous stages of his eminent career.

The Banquet.







Committee of Arrangements.



JOHN A. CALDWELL, CHAIRMAN.

ANDREW HICKENLOOPER.

SAMUEL W. TROST, SEC'Y.

THOMAS P. EGAN.

GEORGE N. STONE, TREAS.

RALPH PETERS.

THOMAS MORRISON.

SAMUEL N. FELTON.

J. G. SCHMIDLAPP.

PERIN LANGDON.

MAURICE J. FREIBERG.

C. M. HOLLOWAY.



SCOTTISH RITE CATHEDRAL.

The Banquet.



THE leading citizens of Cincinnati were unwilling that Senator Foraker should remove to Washington to enter upon his duties without tendering to him some public and formal mark of the esteem in which he is held by his home community. It was determined that a public banquet should be tendered him, and for this purpose the Scottish Rite Cathedral on Broadway was selected and the date of Washington's birthday chosen for the occasion.

The banquet was in all respects a brilliant and successful affair. The guests were, for the most part, citizens of Cincinnati and the personal friends and neighbors of the Senator-elect. They were the men with whom he has been associated in the varied and arduous duties of life for many years. They had watched his progress, had sympathized with him in times when the tide seemed to set against his fortunes, and congratulated him when the wave bore him onward to success and honor. Now they met to pay their tribute to him as a representative of the great commonwealth of Ohio in the Senate of the United States.

Mr. Foraker had not for some days been in good health though his spirits were unabated. It had been feared that he would not be able to participate in the pleasures of the banquet, but it is in the nature of such men to rally according to the occasion. Suffice it to say that the Senator did not disappoint his friends but surprised them rather with the

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brilliancy and spirit of his manner and address. His speech was marked by all the features which have made his oratory so pleasing and effective; his utterances had the old clear ring; his emphatic declarations of Americanism and patriotism touched the right chord and found a harmonious echo in the hearts of all his hearers.

The table at which the guest of honor and others of his immediate friends sat was beautiful in its arrangement and decorations. The hall in every part was tastefully draped and adorned. The floral decorations were especially fine. Above the principal table "Old Glory" was hung out in several forms and looped up with the figure of an eagle. The motto above was "Our Senator" and this sentiment was repeated in several places. In the center of the flag displayed was the portrait of Senator Foraker done to the life. The Committee of Arrangements had placed behind the speaker's chair a hedge of evergreen which furnished a pleasing background to the distinguished group. The whole surrounding was tasteful and inspiring. The Committee had selected the honored Mayor of Cincinnati, John A. Caldwell, as toastmaster. The Mayor never appeared to better advantage: his remarks were received with enthusiasm and were regarded as especially appropriate. The guests were seated and the dinner began at half past seven in the evening. The feast proper lasted about two hours when Mayor Caldwell rapped for order. By this time all chill of formality had passed away and the spirits of those assembled had risen to the level of the occasion. There were none present who did not enter heartily into the celebration.



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J. A. CALDWELL.

Speech by Hon. J. A. Caldwell.

OUR GUEST, HON. JOHN A. CALDWELL.

“Heroes in history seem to us poetic, because they are there. But if we should tell the simple truth of some of our neighbors, it would sound like poetry.”

FELLOW-CINCINNATIANS:

“Your hearts and mine are glad to-night. On either hand is an every-day trusted friend; across and around this board are our neighbors, our business and professional associates, those whose lives are open books to us. We know the story of their beginnings, of their romances, of their aims and ambitions; of their life achievements and triumphs. We know how much of manliness and worth is written there; we know, and are proud and glad to know, that these, our neighbors and friends stand for much that is greatest and best and most progressive in the Cincinnati of to-day.

Merited distinction—honest fame, can come to no one without his associates and friends, compatriots and fellow-citizens, all being the gainer. The Cincinnati who wins his spurs in life's contest—who gains the world's applause, and receives signal honors from his fellow-men, places amaranthine garlands over every Cincinnati threshold, and makes a mecca of this fair city to which the hero-worshippers of all time will make sacred pilgrimages.

And we, my fellow-citizens, are met to-night to give expression as best we may, to the personal gratification and happiness it brings to us, that he who is our guest of honor and who is also our fellow-Cincinnati, our neighbor, and personal, intimate friend, the very man we have long hailed as one of the foremost Cincinnatians—our

greatest political leader and chieftain, who we know to be worthy of every preferment that an admiring, loving people can bestow, has again been asked to step up higher—and you and I rejoice and are exceeding glad that this preferment has come to him and with an unanimity of party support unprecedented in all the history of first term elections to the National Senate.

Our guest has long been a commanding national figure, filling the public eye—at once the Richelieu and Admiral Crichton of all that pertains to state-craft and politics, sharing honors with Sherman and McKinley as one of Ohio's political triumvirate, a triumvirate as pre-eminent in national affairs of to-day, as was Ohio's galaxy of generals in the War of the Rebellion—Grant, Sherman, and Sheridan, whose undimmed fame shines forth resplendent—the most glorious constellation in all the star-studded night of war.

What memories the very name of Foraker conjures; when the brass throat of war thundered forth his country's need—we see the stripling farmer boy take on the full stature of a man and a hero—and march forth to battle valiantly for freedom and for right. Neither hireling nor dastard he—but a volunteer, brave and true, who wrung promotion from the hand of power by dint of valor and personal merit—a mere boy in years, but in all else a man doing a man's deeds.

We see this soldier put off the uniform and don the garb of the civilian, and take up the humdrum life of a student, the better to equip himself for the walks of peace. We see him adopt one of the learned professions and rise in the line of that profession to the bench of the Superior Court of Cincinnati. We see him take on the burdens of a public career—become the idol of every hustings—whose logic and eloquence and personal magnetism convinced and swayed the multitudes; all the Nation knew when he was in the saddle, when his trenchant tongue—a keen Damascus blade—was making thrust, and parry, and stroke, that found and laid bare every weakness and flaw in the armor of his adversaries.

We see him become the leader of the young, aggressive, enthusiastic element of his party—binding their hearts to his with cords of steel. We see him twice chosen by the suffrages of the people—Governor of his state and become the very pillar of his party's hope. We see

him a man of deep personal convictions; fearless in defense of the right as he sees the right; hating cant and sham, with an especial hatred for all pharisaical hypocrites who wear an—I am holier than thou self-adjusted halo.

We know him as a practical man who believes in practical politics; we know him to be a man of ideas and resources—one who never cries aloud in worship of an echo. We know him for what the whole country knows him, an able statesman, a brilliant orator, a profound thinker—but you and I, my hearers, also know him as a friend and neighbor. We know his heart is a human document in which he writes the names of his friends in indelible characters. We know him as a father, and husband and brother, doing his man's part as only a loving, generous, manly, masterful man can do it—and who fully realizes that station and rank and wealth—the plaudits of his fellow men, the external insignia of success verily brings its own reward—but that beyond the utmost purple of that illimitable ambition, there exists a wider horizon of friendship and love.

The great state of Ohio is wont to produce sons to be proud of—and she is prouder of this younger son; she will see to it that his is no entailed estate, that no law of primogeniture cut him off portionless. She has given him a United States Senatorship, and there is no greater, broader field of action and usefulness, of honor and trust; public or private within the possibilities of man, that her admiring, loving, patriotic people would not be happy to bestow upon our guest of honor—Joseph Benson Foraker—Senator-elect from Ohio.

I have the very great honor and pleasure of presenting the Hon. Joseph Benson Foraker, Senator-elect from Ohio."

RESPONSE, HON. JOSEPH B. FORAKER.

MR. MAYOR AND GENTLEMEN:

"I wish I knew how better than I do to make fitting response to such an introduction and to such a welcome. Words seem to fail me. I can think of nothing other or better to say than simply, I thank you. (Applause.) That I do with all my heart. I thank you, Mr. Mayor,

for the kind words you have so beautifully and so eloquently spoken. I do not know what could make them more gratifying unless it would be that, happily, somehow or other, I could be persuaded I merit them. (Applause.) And I thank you, gentlemen, one and all. If I had been allowed to prearrange the circumstances attending my election to the Senate, I could not have ordered them so as to be more gratifying than they have been down to this point. (Cheers and applause.)

It was gratifying, in the first place, to be elected, as it has been said, without any opposition from my own party. It was gratifying, in the second place, to be elected with so little opposition from the other party. (Laughter and cheers.) And it has been gratifying beyond anything I shall undertake to express for me to have been made the recipient, as I have been, at the hands of my Democratic friends, of constant kindnesses, courtesies and marks of personal regard and personal esteem, from the beginning of this contest until this moment. (Great applause.) But nothing has occurred in all these incidents and features to which I have referred so gratifying as this occasion itself. (Applause.) You, gentlemen, are my neighbors and my friends; you are the men in whose midst I have lived for more than a quarter of a century. My goings out and comings in have all been in your presence. I am better known to you and by you than to or by anybody else.

For me to see gathered here to-night the representatives of all the professions, and of every kind of business that is pursued in our city; and especially for me to see gathered here in such goodly numbers my Democratic friends, is gratifying beyond anything I can express. (Great applause.) I thank my Republican friends most sincerely, but I do especially, and from the bottom of my heart, thank my Democratic friends. (Cries of "good, good," and applause.) You make it easy for me to feel, as I do, under such circumstances, in going to the Senate, that I go there to represent the State and the whole State and all the people in the State. (Applause and cheers.) Whenever I can consistently do so, it will be a pleasure to me to serve you. I want to be your Senator, as well as the Senator of my Republican friends. (Renewed applause.)

And now, gentlemen, about that service. I have some misgivings about it. I have never had any experience in a legislative body or any

kind of a parliamentary assemblage. I do not know how I will get along. (Cries of 'Oh, you're all right; you'll get along.') I foresee some difficulties. I am so constituted by nature that I reach conclusions quickly, and sometimes have not as much patience as I should have with those who do not agree with me. (Laughter and cheers.) I fear, therefore, that in that 'most august assemblage on earth,' as it has been termed, I shall be wearied and less useful than I otherwise would be when those long, tedious debates occur about which we have been reading so much during the last two or three years. (Applause.) But notwithstanding that drawback, I intend to take the place. There are some compensations to offset it.

In the first place, it is a great compensation to follow in the line of succession such distinguished representatives as Cincinnatus has had in that body during our day and generation; (Applause and cries of "good! good!") George E. Pugh (applause), Stanley Matthews (applause), and George H. Pendleton (applause). However we may differ as to their respective political views and opinions, we all can agree in ascribing to them, one and all, irreproachable integrity of character and the highest order of intellectuality. (Great applause.)

There is another compensation in the fact that I am to be the colleague of that grand old representative of Republicanism, who has been there, lo, these many years, in the person of John Sherman. (Applause.) But there is something more attractive than all that to me in going to the Senate at this time. That is the character of questions with which we will have to deal. I do not speak in this connection of partisan questions. If the Democratic party should be in power I imagine I would not have much influence in shaping its policy. (Voice: "You would not; that's right.") (Applause.) If the Republican party be in power its policies are already shaped. (Voice: "That's right.") With practically no dissent, all questions of tariff, reciprocity and currency will be settled according to those policies. The questions I refer to are broader than these.

The time has come when there is an emphatic demand for a wise, broad, patriotic, progressive, aggressive American statesmanship. (Tremendous applause and cheers.) I do not like the idea of our being unable to step out at either our front door or back door, on the Atlantic or the Pacific side, without seeing England's flag floating from all the

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islands that meet our view with her guns pointing wheresoever she will. (Great applause and renewed cheers.) When the Sandwich Islands come knocking at the door with a Republican form of government and the American flag, I say let them in. (Tremendous applause.) When a civilized country turns civilized war into barbarism, as Spain is doing in Cuba, I say, in the name of this Republic and in the name of republican institutions everywhere, as well as in the name of civilization and Christianity, it is our mission to put a stop to it. (Great applause.) And if as a result the stars and stripes should happen to float over that island, it would be no bad acquisition. (Applause.)

I want to see the Monroe doctrine, recently so much talked about, upheld and enforced against all the world. (Applause.) And I shall stand by the administration that stands for America, be that administration Republican or Democratic. (Cheers.)

I want to see our merchant marine restored. There was a time when our merchant marine was the pride of every American. It is today but a mortification to us all. We once carried ninety per cent. of our foreign trade in American bottoms, under the American flag. We now carry less than thirteen per cent. We are paying out annually more than \$150,000,000 in gold to foreign ships for transportation of freights and passengers. The time has come to remedy that. The way to remedy it is not with subsidies and bounties, but by going back to the first principles practiced by George Washington and the founders of this Republic when they applied the principles of protection to the water as well as to the land. (Applause.)

I want to see the Congress of the United States provide that the fifty per cent. or more of imports that come into our country free of duty shall come in free, provided they come in American bottoms and under the American flag. (Applause.) I want to see it provided that the dutiable goods brought in American ships shall be allowed a rebate on that account. (Applause.)

And when we make these new reciprocity treaties, which we hope to make soon in the future, I want to see incorporated in every one of them a provision that the goods mentioned in the reciprocity treaty shall have the benefits of that provision, provided they are carried in the ships of the reciprocating countries. (Great applause.) When

that shall be done, as done it can and should be, there will no longer be an elbowing by Great Britain of the American marine off the waters of the globe. (Applause.)

Shipbuilding will revive, and once again the flag of the United States will be seen floating in all the channels of trade and commerce. (Cheers.) And then after that will follow easily and naturally what we should have had ere this, an American navy able to protect us, let come what may. (Applause.) When Mr. Cleveland sent to Congress his Venezuelan message it had more good results than one. One of its good results was to impress the American people with our defenseless situation. We should realize that the great wars of the future, if there be any at all with which we are to be concerned, are far more likely to be on the water than on the land. We should order accordingly. It is a patriotic duty to do it.

Then, there is another thing. I do not want to stop to discuss all these things, but I read in the newspapers this morning just what I have been looking for for a long time. I read, as you probably did, that in the city of New York there was yesterday tendered by Europeans, the capital to build the Nicaragua Canal. Unless the United States of America build that canal somebody else will build it. (Voices of "That's so.") The commerce of the world demands it.

People will not any longer be content sailing ships from the Atlantic to the Pacific Coast, to go ten thousand miles out of the way around the Horn, through tempestuous seas and inclement seasons. Every suggestion of patriotism commands us to do that work. (Applause.) I want to see the United States build it, and own it, and control it (applause), without any copartnership with anybody, and without any other nation having any other right with respect to it except only the right to use it for peaceful purposes, on payment of such tolls as we may see fit to levy.

I rejoice my fellow-citizens of Cincinnati, that I shall have opportunity to participate in the solution of these great questions. It is but little I can do, but in my humble way whatever I can contribute will be most zealously contributed. (Applause.) These are works worthy of the American people. If we but prosecute them to that success which is possible, there is in store for us a destiny greater and grander than any human language can describe." (Tremendous applause and cheers.)

MAYOR CALDWELL :

Ohio has ever been fortunate in selecting her Governors. They have been men who came from the people and were of the people, and she made no exception in the selection of our present Governor in following that rule. He is a Cincinnati born ; was at one time a market boy, selling the products of his farm from a wagon upon our streets, filled the position of coachman, and he filled these positions with the same zeal, earnestness and integrity with which he is now filling the important position of Governor of Ohio. (Cheers and applause.) I now have the pleasure of presenting the Hon. Asa S. Bushnell, the Governor of Ohio. (Long cheers and applause.)



ASA S. BUSHNELL.

Speech by Gov. Asa S. Bushnell.

OHIO, GOV. ASA S. BUSHNELL.

“Glorious in history : rich in statesmanship : famed in presidents.”

MR. TOASTMASTER AND FELLOW CITIZENS :

An ex-governor of the state (not the one here present) said to me on an occasion similar to this—a short time ago—“When you have responded to the toast ‘Ohio’ fifty times, as I have, you will get tired of it.” I am not willing to admit this, for I love Ohio too well to ever tire of sounding her praises. I never hear the name but my pulse quickens and a feeling of pride comes over me that I am one of her citizens.

I feel as the boy did at the revival. The minister requested all those who desired to go to heaven to stand up. All arose but one good-sized boy, who remained quietly in his place. Then the minister asked those who wanted to go to the other place to stand up. Not a soul got up. In astonishment he looked at the boy. “What is the matter with you, boy? Don’t you want to go to either place?” “No,” said he, “Ohio is good enough for me.” So I say, Ohio is good enough for me.

But a few days ago I visited the old mother of Ohio—the state of Connecticut. To-day Ohio has five times the population of the mother state, which a little more than a hundred years ago sent from her abundant population a colony of forty-eight of her sturdy sons to found a new state west of the Alleghenies. Landing at Marietta, they established the first settlement in the Northwest Territory, from which has since grown five of the grandest commonwealths of the nation.

Ohio! Grand old Commonwealth! God bless her and her sons and daughters, wherever they may be. None more loyal than they; their influence is felt wherever a new settlement is to be founded, a new city built, or a conflict for the right to be fought out!

That she is "glorious in history" I have but to refer to her achievements in war and in peace. And, first, allow me to refer to her achievements in war. She did not do much in the Revolution, but it was not her fault. If she had been born earlier she would have taken part in that struggle. While she took an active part in the Indian wars and furnished more troops than any other northern state for the war with Mexico, it was in the War of the Rebellion—the great conflict for the life of the nation—for the honor of the grand old flag—that she most distinguished herself.

Ohio's response to the call of President Lincoln for 75,000 men was immediate. From all parts of the state came proffers of service from tens of thousands, and on the 19th of April—only four days after the call—the First and Second Regiments of Ohio Volunteers had been organized and were on their way to Washington. The Ohio militia, in pay of the state, was pushed into West Virginia, gained the first victories of the war, and drove out the rebel troops. Thus was West Virginia the gift of Ohio. Governor Debison, Ohio's first war governor, had ere this written, "Ohio must lead throughout the war," and she did. Early in 1864, when more troops were imperative, and President Lincoln was fearful another draft upon the people would result in failure, Governor Brough, Ohio's last war governor, called a convention of the governors of Indiana, Illinois, Iowa and Wisconsin, who, with himself representing Ohio, met on April 21, 1864, and notified Mr. Lincoln that they would furnish him 85,000 men for one hundred days, without a dollar of bounty or a single draft. It was a splendid contribution of the loyal West to the cause of the Union. In sixteen days after the call Ohio had supplied 34,000 men—or nearly one-half the number promised—and put them into the field armed and equipped. The arms of Ohio's sons in the field were sustained by the work of Ohio's daughters at home. As Ohio's soldiers were the first to gain victories, so the women of Ohio were the first to organize aid societies. In five days after the fall of Sumter the Soldiers' Aid Society of Northern Ohio was organized, and these noble women eventually distributed food and clothing to the amount of a million dollars. A similar organization was started in the southern part of the state, which was alike successful.

When the war closed more than one-half the able-bodied men of the state had taken up arms for the Union, and Ohio had shown herself to have been the most efficient of all the states, supplying, as she had, the most successful generals and the largest number of able men in the cabinet of the President and in the councils of the nation.

Ohio is to-day in the very heart of the nation, and, being on its great highway over which its commerce and travel flow and where its people must mingle for an interchange and broadening of ideas, she must be national and broad in her policy and character. Her soil is of the richest and there is no one industry which predominates to give her citizens a one-sided development. Agriculture, manufacture, mining and commerce are so equally divided that she may be said to be the most evenly balanced state in the Union, and to this should be added prominence in education.

The large number of colleges—cheap and accessible everywhere—have given multitudes the prime requisite of the higher education which is mental discipline and the use of the instruments of knowledge. In instructors in learning she has produced a host, and to-day in the department of religion she shows an unsurpassed spirit of Christian enterprise and self-sacrifice, leading all the states in the number of missionaries to heathen lands.

The noble history of Ohio, the heroic character of her sons and daughters, signally shown by the eminent leaders she has produced in every department, will remain an imperishable inspiration to the young born upon her soil, to further advance the commonwealth in everything which will inure to her moral and material grandeur.

“Rich in statesmanship!” Yes; in the living and in those who have finished their mission and left their works to follow them. Chase, the great financier, an incident in whose life right here at home I can not refrain from relating. Here was the voting place of the great Secretary, and rarely did he miss coming here from Washington to exercise the right of suffrage. On the occasion of an election in 1863—I think it was—under the old regime, when there was always a great crowd around the polls, Mr. Chase came to his precinct to vote. The crowd separated to make clear a passage for Mr. Chase to reach the window to deposit his ticket. A large, brawny fellow, of Irish nationality, stood somewhat in the way, seeing which some one called out,

"Stand back, Mike, you don't vote the Republican ticket." "I know that," said he, "but don't you suppose I want to see the man that makes the greenbacks?" Mr. Chase smiled and touched his hat to the man who had such great respect for him as the author of the greenbacks, if he could not vote for his party.

Stanton, the great War Secretary! Another statesman of whom Ohioans can all be proud. Then Giddings, Wade, Thurman, Pendleton, and a host of others, make up in part the riches of Ohio in statesmanship. Among those who have contributed, and are yet to add luster to her crown of jewels, are Sherman, McKinley and Foraker.

Virginia, the "Mother of Presidents," was famed for the great chief executives she furnished the nation; but Ohio will hereafter contest the title of "Mother of Presidents," and claim for herself that distinction, for what presidents of greater fame than Grant, Hayes and Garfield, men who brought great distinction to their state and to the nation in peace and in war? It is worthy of national consideration that no candidate for president from Ohio was ever defeated.

Ours is a great state in its resources and extent, but greater in its people. I love my state and my country, and I pray to Almighty God that He will give us vigor and energy and power until the pillars of the Union shall be planted so firmly in American soil that no power on earth shall be able to shake them. To make our government thus strong we must stand by it—not complain of it, but praise it; not defame and abuse its highest officials, as has recently been done. While I believe in free speech, I hope that no man will be allowed to use such language in reference to the chief executive of this nation as was uttered in that most august legislative body, the U. S. Senate, by Senator Tillman, of South Carolina, without rebuke. If the statements were true, they were better unsaid; if he had no respect for the chief executive, he should have respect for the high office he holds, for he is the president of the greatest nation on earth. The people of our country should be taught to respect those who have been chosen to make and to execute her laws.

We should adopt such policies as will furnish our government revenue sufficient to meet all obligations and make the nation still richer and still more powerful. To illustrate this, let me relate an incident which came under my observation a few years ago. It

occurred while traveling on the cars in the northern part of the state with a friend, formerly prominent in the politics of the state, and known to many of you. My friend, as we rode along, pointed out to me, first on one side and then the other, beautiful farms, which by economy and careful investment of his means he had been able to purchase. Finally, after the last one had been passed and I had congratulated him on his magnificent possessions, he said, in a half undertone, and with apparent satisfaction, "Friend Bushnell, a little money is a good thing to have; it commands respect at home and abroad."

Let us have our government rich, that she may build ships of war and have a navy equal to that of any nation on earth, to the end that we may demand that more respect be shown our citizens and our flag on land and sea. We have heard much talk of war of late. Our nation is not prepared for war; our navy could not cope with the great ships of the British. What we want is more money. Let us get that, then build war vessels, strengthen our forts, and then—though we hope "war has gone to come again no more"—if it does come, we shall be prepared for it, and be able to enforce our demand that England shall be more careful in fixing the boundary lines of her territory.

Ohio must do her part in this further work for the greater glory of America. Our record has been such that there must be no failure in the future—no loss of opportunity to prove again that our state is always ready to advance the cause of Americanism, to do that which speaks of loyalty to our common flag, and tells again that which has been a pride to all Ohioans—the patriotism and the strength of our commonwealth.

I congratulate all—and by that I mean the people of Ohio and of the nation, as well as those present at this gathering of some of Cincinnati's foremost citizens—upon the fact that another who, by training, education ability, patriotism and enthusiasm for his country, will in but a little more than a year's time be received as a member of America's highest and most distinguished legislative body, and will therefore add to the fame which has ever attended the Senate of the United States. We all know this Ohio man. He is the honored guest of this evening, and one who occupies a more than prominent

place in the affections of the people of this and other states. He is known as a self-made man, as a soldier who achieved a highly honorable record, as a jurist who was respected in all ways, as a chief executive of Ohio who gave a most excellent administration, and as a citizen who enjoys the approval of his fellow-men.

Such a man as Joseph Benson Foraker can be, and I am sure will be, of inestimable value to his country and to his state in the U. S. Senate. He is equipped as few men are for the duty before him, and he has the desire to do his utmost for the common good. I wish him a long life of happiness and continued usefulness; a life replete with all that can make the hearts of his friends rejoice.

It has given me the greatest pleasure to be present to-night. I have delighted in the opportunity of again attempting to sound a faint measure of praise for my state and our people. It has been a source of sincere gratification to join you in doing honor to my friend Judge Foraker. It has given me great satisfaction again to meet old friends, and to clasp the hands of new ones. Gentlemen of Cincinnati, I congratulate you upon this dinner to your most distinguished citizen, and I thank you for having given me the privilege of addressing you upon so notable an occasion and upon so worthy a topic.

MAYOR CALDWELL:

The next toast, "Our Country." We have with us one of our distinguished citizens, who has gained exceptional prominence in his profession, who will respond to this toast. I have the honor and pleasure of presenting the Hon. E. W. Kittredge. (Long cheers and applause.)



E. W. KITTREDGE.

Speech by Hon. E. W. Kittredge.

OUR COUNTRY, . . . HON. E. W. KITTREDGE.

“ Be there a man with soul so dead
Who never to himself hath said,
This is my own, my native land! ”

MR. CHAIRMAN AND GENTLEMEN :

The toast “ Our Country,” to be responded to on Washington’s birthday, naturally recalls Washington’s excellently wise advice to his countrymen as to the relations it should be our policy to maintain with the nations of Europe.

The position of the United States as the foremost nation on the American continent is not merely one that should contribute to our national pride, and still less should it be allowed to stimulate any national arrogance, but it does carry with it a corresponding duty of high obligation to all the American nationalities.

The peoples of the old world are organized under powerful governments, with immense resources, with powerful armies, with resistless navies, and with all the wealth and means that the highest civilization of the world has accumulated. The ability, if they had the desire, of either France or England or Germany to overwhelm the comparatively weak nationalities of Central or South America can not be doubted.

It is a matter of profound concern to our country what should be our attitude to the questions and controversies that arise between these powerful European governments, on the one hand, and the weaker nationalities of the American continent on the other.

The recent unpleasantness over the Venezuelan boundary, happily, by the good sense and sober second thought of the English and American people, now in the process of a peaceful solution, has brought the attention of the entire community to the consideration of the principles

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that underlie this whole subject, and that are of the highest importance to the welfare of this country and the peace of the world.

When Mr. Olney asserts in his letter to Lord Salisbury that "to-day the United States is practically sovereign on this continent, and its fiat is law upon the subjects to which it confines its interposition;" and when the president practically asserts that the Monroe doctrine has become a part of international law; if these assertions are true, the position of the United States is certainly one of great responsibility, and of very doubtful advantage to compensate for the obligations that it incurs.

I believe the more correct statement of the fact is that the Monroe doctrine is a political dogma, and that like all dogma, it is subject to growth and development. Its interpretation is always very largely determined by the conditions at the time, and the circumstances attending any case to which it is sought to be applied. That the United States should look with disfavor upon every attempt of an European nation to oppress or despoil without right any American state, is inevitable. When such a controversy is pushed to its utmost limit, the unselfish defense of the weak against the strong, even to the extremity of war, is alike a wise and honorable policy for us as a nation, and it will surely command the support of the American people. But there should be no mistake about the principle upon which this policy rests. It is not at all that "the United States is sovereign on this continent," and it is not at all that we have the right or the duty to control the negotiations or treaties that other sovereign states may see fit to enter into. It is the just interest that we, as the foremost nation in America, have a right to take, and wisely take, in the free and unrestrained development of the institutions and commerce and prosperity of every American people. In the long future such a development is sure to be, in many ways, of the highest importance to us as a nation.

The assertion of this national policy in the past has been in every instance opportune, and in its results has commanded recognition of its wisdom. It matters not by what name we call the doctrine—its substance is that we have a direct concern in preserving the integrity and free development of every American nationality, and that as occasion arises we will interpose for the accomplishment of that object.

The distinguished citizen whom we are here to honor has been known among those who would be ready, perhaps eager, to assert the right of our country to intervene in questions of this character. We may properly express to him the hope and belief that he will in the discharge of his high duties, firmly, but temperately, stand for the American principle which finds its common expression in the saying, "America for the Americans."

MAYOR CALDWELL:

The next toast is "The Law-making Power" of our country. Who so capable of responding to this toast as our beloved fellow-citizen, the ideal lawyer, the Hon. John W. Warrington! (Cheers and applause.)

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J. W. WARRINGTON.

Speech by Hon. J. W. Warrington.

THE LAW-MAKING POWER, HON. JOHN W. WARRINGTON.

“Law is the supreme will of the people, expressed through their legislative bodies.”

We have no public power whose existence is so necessary and whose exercise is watched with so much anxiety as that wielded by our legislative bodies. Is this owing wholly to perverseness of political parties, to selfish influences, to want of patriotism, or to all combined? Is it not due in large part to the indifferent way in which we regard and study the power? Shall we ever, as a nation, consider special training as always requisite to the science of legislation, as we do with respect to every other science or art, as also every occupation? We select some great legislators. But have they predominated? Lord Campbell, when sitting as chief justice of the Queen's Bench, said of certain acts of Parliament: “One-half of our time is consumed in making sense of other people's nonsense.” This is largely true in our own country. An instance occurred in England, where a penalty was claimed under a statute which declared that of any penalty recovered under it one-half was to go to the Crown and one-half to the informer. What was the feeling of both the informer and the Crown when they learned that the only penalty mentioned in the act was two years' imprisonment?

The right to make laws is the greatest of sovereign powers. No matter through what agency legislative power has ever been exercised, it has always controlled, and it must always control, the vital relations and the destiny of mankind. The trend of modern civilization, not to mention ancient instances, has been more and more toward confining the power within the limits of constitutions. These constitutions are in theory founded upon the consent of the governed. In order to ascertain the true limit of the law-making power under any constitution it is

necessary to know not only its exact scope as an entirety, but also where the right to amend it resides. For illustration, in England, Germany and France this right to amend is given to the legislative bodies themselves. True, in Germany and France certain peculiarities as to form and majority must be observed, and in Germany it is claimed by some commentators that the Emperor may defeat a change by refusing to promulgate the act. But it is plain that the legislator there may regard the ultimate limits of his constitution with more or less indifference, for, after all, an infraction would be but a potential change.

In view of the conditions prevailing here, it is difficult for us fully to understand the nature of legislative power which includes the making of both organic and ordinary law. We have set bounds for our legislatures, and, indeed, for ourselves. We have done this through written constitutions defining powers, and through declarations respecting certain inalienable rights, for the government both of the United States and of the states themselves. The power to change these instruments is guarded by modes fixed for referring proposed amendments, either directly or indirectly, to the people themselves. Thus constitutional law can not be made in this country by any legislative body alone.

This limitation of the power of amendment in our country marks another important distinction between the law-making power here and that in the other countries named. If a legislative body here usurp a power not granted or violate an inhibition made by the constitution governing it, the judiciary is bound, whenever a proper case comes before it, to declare the statute void. And we have a universal custom thereupon to treat the statute as abolished. Our respected citizen, Mr. Bowler, has the courage to insist upon the right of an officer to determine the validity of a statute which he is called on to carry out. If it is not within constitutional limits it is not a law. If, therefore, he is not right, at least to the extent of referring the act to the judiciary, then what becomes of the boasted safeguards of a written constitution? But where the power to amend the constitution resides in a legislative body, that body itself becomes the final interpreter of its own action, and consequently the supreme power.

It is therefore even more important that the legislator in our Congress should be able to interpret and elucidate the constitution of the United States, than it is for the legislator in any one of the other coun-

tries I have mentioned, to understand his constitution. It should be no less true of the American than it was of the Roman Senator, of whom Cicero said that : "It is necessary for a senator to be thoroughly acquainted with the constitution ; and this is a knowledge of the most extensive nature ; a matter of science, of diligence, of reflection, without which no senator can possibly be fit for his office."

In order to take an active and intelligent part in legislation in our Congress one must have unusual ability and training. It calls for more than the faculty of criticism. It demands creative intellectual power. This power is rare. This power involves the faculty of seeing a public need and of originating an accurate plan to supply it. According as such a need increases in importance, so the minds fit to cope with it become fewer.

Philosophers differ as to the true principle of reasoning in legislation. For instance, Herbert Spencer differed in this regard from Jeremy Bentham. But, remembering that Lord Macaulay placed the latter in "the same rank with Gallileo and with Locke," no one would question the correctness of Bentham, who said, in respect of legislation : "To know what is good for the community whose welfare is at stake constitutes the science ; to find the means of producing that good constitutes the art." When we apply this test to the demands and welfare of seventy millions of people ; when we understand that the legislator must know what is wise and effectual for that vast body and what effect his proposed statute will have upon all other existing statutes ; when we reflect that his action must conform with certain delegated powers of a written constitution, according as that instrument is construed by the judiciary ; when these things are all considered, then we shall gain some adequate idea of the character of duty which a competent legislator has to perform.

But we still have only partially considered his functions. The power we are examining is to be exercised in the upper branch of the American Congress. The Senate possesses also certain executive and judicial powers. These are not within my subject. I may say, however, that it was thought by Alexander Hamilton that they would overshadow the legislative power. But great as those two powers are the other has kept pace with and surpassed them in importance. All these powers combined were originally intended to be the conservative force, the anchorage between the lower house of Congress and the

Executive. But while this is true in theory, would it not be more so in practice if our Senators were elected directly by the people? Practically speaking, Ohio has just furnished an example. For who, during the last year, was in doubt as to the Senatorship?

Yet in spite of custom or courtesy, of petty jealousies or differences, of individual cases of demagogy or buffoonery, which temporarily shadow that body, the Senate as a "check and balance" in our system of popular government still stands unrivaled.

Naturally such a place would attract great men. It brings its members into touch with the leading questions of the day. It affords competent and conscientious men the opportunity to render valuable service to their country. It presents rare chances for cultivating political science, statesmanship and the highest type of forensic debate. When dominated by strong and patriotic men it opens a fruitful field for the highest aims of laudable ambition.

An Englishman's denial of any right in the Crown to govern except by law, was once illustrated to me by his saying: "I pass the Prince with indifference; I pass the Premier or Judge with lifted hat." Indeed, when rightly considered, what aim could be loftier than a desire to make wise laws for the United States? Ours is a Government of law. Our sovereign is the law. True, as Mr. Lincoln said this is a "Government of the people, by the people, for the people." Yet the people govern through law. They yield to no earthly power except the law. It is part of the high office, then, of a Senator properly to interpret the reason of the people, their common consciousness of right and policy. Resolving this into form is the expression of the American sovereign. It at once becomes the idol and master of a vast Nation.

No higher testimony can be given of the importance of such a scene of action than the names of great men who have been actors in the Senate. Webster and Clay, Sumner and Fessenden, Pinckney and Calhoun, Douglass and Benton, Conkling and Blaine, Chase and Pugh, Wade and Ewing, Matthews, Pendleton and Thurman are some who have gone, and John Sherman is one who remains, of our illustrious line of American Senators.

Ohio has just called to that body Joseph Benson Foraker. With a remarkable record as soldier, lawyer and judge, as governor and orator,

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possessing wide culture and striking versatility, he is splendidly equipped for leadership in the Senate of the United States. While he will not have to debate some of the great questions whose discussion made some of his predecessors immortal, and whose solution was wrought in the blood and treasure of the country, yet we still have questions of vast moment. Think of the example recently given of the ease with which the country, although nearly defenseless, could be launched into serious war. Think of what can be done by the law-making power toward providing for arbitrating international disputes, and toward procuring national defensive means when that plan fails. Think of the stimulus the law-making power can give to an American merchant marine, which could also be chartered with conditions for naval service in times of war. Think of the strengthening arm the law-making power can extend to the judiciary in repressing and controlling menacing social disorders. Think of the great questions of finance, especially of the importance of a measure to forever destroy the heresy that unequal things can be made equal by law. Think of the important economic questions which involve both our external and internal schemes of taxation. Think of a great Government like ours in piping times of peace borrowing money to pay current expenses. These and kindred problems call for the analysis of masterful and patriotic minds.

We predict that Senator Foraker will contribute largely to their true solution. There is abundant room for the full play of his marked intellectual supremacy and acknowledged patriotism. He was supported and chosen for this high position by an unprecedented following and vote. We wish him God-speed.

MAYOR CALDWELL :

The next toast, "Our Internal Commerce," will be responded to by one of our most distinguished, most enterprising and most successful citizens, the Hon. M. E. Ingalls. (Cheers and applause.)



M. E. INGALLS.

Speech by Hon. M. E. Ingalls.

OUR INTERNAL COMMERCE, . . . HON. M. E. INGALLS.

“Commerce and industry are the best of a nation.”

MR. CHAIRMAN, MY FRIENDS AND FELLOW-CITIZENS :

I would suggest that those of you who are tired go home, and let the balance of us have a night of it. At this hour of night and in this condition of the atmosphere, it will be impossible to make one heard unless we have your closest attention, and I have a very carefully prepared speech which will last for a long time.

This entertainment is divided into two parts ; you have had a committee who have been very careful in preparing it ; they have labored hard, and one of the conditions was that all early speeches should be carefully written out and submitted to a committee and after that they put in poor Melish and myself and told us we might go as we please. (Applause.)

They have had one of the most beautiful models for speaking that ever was in the city ; I suppose every one of you read the *Commercial-Gazette*—if you do not, you ought to—and I do not charge anything for this advertisement. (Laughter.) A few days ago, they had an editorial, telling what an after-dinner speech ought to be. I understand that that was so important that it was submitted to the Directors of that company, and they were not quite sure of it and then they sent for General Ryan and asked him to look it over. (More laughter.) He is the Ward McAllister of Cincinnati on after-dinner speeches, and he said this course was right, and the result is that every speech this evening has been hewed on that line. Now, I am afraid that my friend, the Mayor, may think I am getting off the track and intend to talk about the city government and taxation. (Renewed laughter.) But you need not be afraid, I shall not say anything wrong. I am like

the girl who started out in the early morning with her bloomers on, to take a spin on her bicycle. She met a minister—one of those people who can never see anything good in matters out of the usual course—and he said to her: “ Miss, don’t you think bloomers are wicked?” “ Well,” she said, “ Parson, I don’t know what you might have found in some, but there is nothing wicked in mine.” (Long and continuous applause and laughter.)

So I can say to you, gentlemen, that you can listen with composure, there is nothing bad in my speech. I am very glad to be here, however and pay my tribute to our guest—not because he is a Republican Senator—for I did not vote for him—not because he is a distinguished Republican, for I am a Democrat, and he has said many unkind things of my party in his day, but he is no sneak and you always know where to find him. He has been a bold, manly fighter in politics and has given and taken. But I come here tonight with great pleasure to join in this celebration, because he is my friend and neighbor and I know him and love him for that. (Cheers and applause.) And I believe in dinners like this and believe that if you have a friend that you love, you should say so, and say so in the morning and before he gets too old to enjoy it. (Applause.) And in this city we have not had, perhaps, too many great men, and it is just as well that we should pay our tribute to those that we have and thereby we may teach others to go and do likewise. I hope for him in his career everything that he wishes.

The career of a statesman is like a traveler climbing a mountain that reaches into the snow-clad air. It is a long and weary way, and if by chance he slips in climbing, he goes down to an unknown grave, politically. In these days, when the reporter is everywhere, when the telegraph flashes all over the country every word that is said, it requires something more of capacity to be a statesman than it did in the days of Webster and Clay, when they delivered a speech and took a week to revise it, and then gave it to the newspapers. (Cheers and applause and laughter.) So I hope that our friend may reach the summit of that mountain that he is climbing, and when he gets to the top let the plaudits of the world satisfy him. That is not everything that we work for; in life there are many things that we strive for. Life is made up of various things, “ honest love, honest work for the day, honest hopes for the morrow. Are these worth nothing more than the hand they

make weary, the heart they have saddened, the life they leave dreary.' No, there is something else that man works for and the reward he works for, the reward that he prizes more than anything is the respect and good will of his friends and neighbors. (Cheers and applause.)

And our friend may go forth to Washington as your Senator—in later years he may reach a still higher place, and I hope, personally, he may. (Renewed cheers and applause.) But no matter what honors may come to him, no matter what crowns may hereafter reward him, he will turn back to this hour as the happiest of his life.

He has been tried by his neighbors and they have approved of him. No higher commendation can a man want than that. And when he goes down to that Senate in Washington, I hope he will carry with him the same vigor and the same keenness for fight he has always had. I know of no body on earth that needs a man of his intellect, of his intellectuality and brain more than the Senate of the United States. (Long and continuous cheers and applause.) It looks to me as though the moss of years, as though the fruit of egotism has gathered there, as though communism and populism were making their last stand in the Senate of the United States, and I am glad that we are sending out from Ohio and from the city of Cincinnati, a man who can lead and, if necessary, fulfill the essential requirements of present demands.

You have all read the story told by Macaulay of the old cavaliers of England, who were driven out of England by Cromwell's troops; they went to Germany and France and, while there, they saw these same soldiers drive before them the French and achieve victory. Although they were exiles and in a strange land, yet they were filled with delight that it was England that was winning the battle. So as our friend goes down to Washington to the Senate, while those who are Democrats may heave a sigh that he is not of our political faith, we will still rejoice that he is from Cincinnati. (Cheers and applause.)

But, gentlemen, I was told to speak upon the internal commerce of this country. (Laughter.) Why, on the twenty-second day of February shall we talk dollars and cents? What we need in Cincinnati is not trade, but more public spirit. (Applause.) What we need is not so many millionaires as a higher citizenship. (Renewed applause.) If I were going to pick out the best things in the history of our guest tonight, I should say that in his administration as Governor, the

Bi-partisan Police Bill was passed, and the Police Commissioners were appointed; the Bi-partisan Board of Elections were appointed; the Board of Public Works, that laid our streets and expended our four million dollars, were appointed by him, and he can put these three things in his crown and wear them, for they are the best he will have. (Cheers and applause.)

And now, gentlemen, I will not talk shop to you tonight. I might tell you that the great line from here to Washington is the Chesapeake and Ohio. (Laughter.) I might talk about the steel rails, the electric lighted trains, and trains on time. We will take the Governor down there, and if you all want to go and see him inaugurated, you can all go for a reasonable compensation. (More laughter.) But this is the night of all others, as I say, when our thoughts should turn to our country. One hundred and sixty-four years ago was born the greatest patriot that ever lived, and we should think of him and turn our thoughts to better things. "Let the men who are men who hate meanness and lying be true to the vision that Washington saw." It is well that once in a while we should turn our eyes from trade and traffic and turn them back to the history of our country and resolve that we will establish here a higher citizenship—that we will do more for humanity. What we ask here is, that our guest should lead and we will follow. (Cheers and applause.)

MAYOR CALDWELL:

The next speaker—Col. Wm. B. Melish will respond to the toast "The Croaker." Col. Melish needs no introduction to a Cincinnati audience. He has been successful in commercial life; prominent in social affairs; and we presage for him a very honorable and brilliant military career. Now that he is promoted to that exalted military position of Colonel—Gentlemen—I present Col. Wm. B. Melish.



W. B. MELISH.

Speech by Col. W. B. Melish.

THE CROAKER, COL. W. B. MELISH.

"An old frog lived in a dismal swamp
 In a dismal kind of a way;
 And all he did, whatever befell
 Was to croak the live long day."

MR. CHAIRMAN AND GENTLEMEN :

I am aware that it lacks but a few minutes of Sunday, therefore, as soon as the noise made by the Sunday-School scholars leaving the hall permits, we will proceed with the next toast of the evening, "The Croaker."

I have approached this topic with a great deal of doubt and misgivings of mind, but, after hearing the distinguished speaker who preceded me speak on the subject of "Internal Commerce," much after the style of Petroleum V. Nasby's lecture on "Milk," which even a cow could not recognize, (laughter) I have come to the conclusion that all you have to do is to go ahead as you please, and never allude to your subject.

I have studied a good deal over the ways of the "Croaker." It is the toughest thing I ever tackled. I have talked about a great many things, but how or why a man should talk about the "Croaker" at a congratulatory banquet, is a conundrum to me.

In time of distress you call on your friends, so I called first on the Mayor, the chairman of the committee, who addressed me as "*Colonel*," in capital letters, and then asked me to respond to this toast. I said: "Mr. Mayor, what are your ideas about croakers; you are trying to run this town and consequently see lots of them; therefore, what is a croaker?" He said: "Look in the dictionary." We were standing in front of the Gibson House, and I said: "I have been to the dictionary, that is the slang dictionary, and it says: 'To croak is to die with a gurgling, rattling sound in your throat,'" (laughter), and, although

standing in the presence of a Colonel, the Mayor suggested nothing which would make either a gurgle or a rattle, although I was ready to furnish the throat. (Renewed laughter). The Mayor said that the gentlemen responsible for this thing was General Hickenlooper; that he, the General, was rather stuck on getting up toasts to which he could not respond himself, and that he fired them at his unsuspecting friends. So I went down to see the General, and he said: "That is one of the greatest toasts you ever heard of." I said: "Well, what is your idea about a croaker?" And he said: "It is enough for my great intellect to get up the toast, and not to furnish the speech." (More laughter).

" An old frog lived in a dismal swamp,
 In a dismal kind of a way;
 And all he did, whatever befell,
 Was to croak the live-long day."

Who would have supposed that the President of the Gas Company would ever waste the gray matter of his brain on a toast like that? Can anybody imagine that a man, who is at the head of a corporation which pays twelve per cent. dividends is a croaker, and croaks *all* the time? We can readily imagine that if it was a "dismal *swamp*" that it was the wrecking of some opposition company. I said, "General, if you *are* responsible for this, give me an idea;" and, says he, "I will tell you a croaker story: A fellow met a friend who was a chronic kicker, and he said to him, 'I had a dream about you last night.' 'Well, what did you dream?' 'I dreamt that I was in Heaven,' and the other said, 'Well, that was pretty good for you, what else?' 'Yes,' said the fellow, 'and the most singular thing was that you were in Heaven too.' 'Do tell,' says the other fellow, 'and what was I doing?' 'Oh, doing just like you were always doing here on earth — grumbling. There you were, sitting by the throne, and I distinctly heard you say, 'Why in the devil don't they make these halos so they will fit?'" (Laughter). Now, that was the General's idea of a croaker. Then I thought I would go to our mutual friend, the Honorable Jimmy Glenn, but the Honorable James said that since his hard job of enlightening the dear public about the Price Hill tanks, his own "think-tank" was out of order; that he had not had an idea since then, and he declined "wid

tanks." Thinking that a croaker who was living in a dismal swamp would like to get out, either by an aqueduct or a viaduct, I thought I would go and see a man who is an authority in the viaduct business, and so I hunted him up. I understood that he was something of a croaker, and, to be perfectly "Frank," I had to "Alter" all that. Then I was directed down on Third street, to another good "Citizen," for authority on Water Works, and there I found that the Circuit Court had "Ampt"-u-tated that authority. Dr. Graydon, who is always solicitous about budding orators, offered to loan me a poem on "Pessimism," but I declined solely in your interest, gentlemen, because I have always held the Doctor as an authority on poetry, especially since his two o'clock a. m. effort at the "Burns Club," where he asserted that the "Immortal Bobby" was the authority of the lines,

"A mon's a mon, for a' that and a' that,
Be he a Republican or a Democrat."

I have come to the conclusion that there are no croakers here in Cincinnati. I am certainly not one, and, if I was, I could never croak on an occasion like this. I doubt if we can find a man or woman, Democrat or Republican, black or white, who has any croak coming at all because J. B. Foraker has been elected Senator. Why in the mischief they should put down a toast like this on an occasion like this, is more than I can understand. I have come to the conclusion that the only thing to do is to follow M. E. Ingall's "vestibuled-throughout, Chesapeake and Ohio" style, and get off the track, run on a switch and abandon the subject entirely. (Long and continuous cheers, applause and laughter). I conclude that the best thing to do is to talk about the Day, George Washington's, and I propose to organize a new society — Americans are great on societies — and I shall call it "The Sons of Evolution." I have already decorated the Governor of Ohio and the Mayor, and the Senator-elect wears the badge of the society. Look upon these hatchets, these cherries, and these twigs, and with bowed heads think of what they mean. This is *our* day; we are the lineal descendants of the truth tellers of George Washington's time. The reason we are called "Sons of Evolution" is because history says

that George Washington could not tell a lie — when he was a boy — but after he had grown up, had gone into politics, and got an office — well, history is silent, and wisely so. (Laughter and applause). I wanted the Governor especially to wear this badge, because during his term of office he will not have to tell a lie — that is if he will rely on his four generals and his eighteen colonels. I am sure that even if you cannot all be “Sons of Evolution” you will join us in an Ode to the natal day of our mutual friend.

TO WASHINGTON.

“ Washington, yours was a noble deed,
Your cherry tree and ax have sown the seed
Of rectitude within the youthful mind,
Which might have been to other thoughts inclined,
But George, dear boy, for each one you 've inspired,
Pray, don't forget, you 've made the balance of us tired.”

MORAL.

The moral is, that you need never tell a lie when the old man has cherry trees to burn. (Cheers and applause).

As none of you are leaving the room, as I had expected, permit me to again allude to “Croakers.” Going back to the dictionary about the “Croakers,” I learned in my wanderings around Old Point Comfort, (and this is no advertisement of the Chesapeake and Ohio Road), that the “Croaker” is a fish, which is frequently caught down there, which Colonel Billy Walker says “tastes something between a sea-horse and a boiled rubber over-shoe,” and which, by authority of Mr. Ingalls, is served upon the Pullman dining-cars on that road, but, as I said, to return, not to our fish, but our croaker. In any and all the relations of life, the croaker has a prominent place — more's the pity. Your average croaker is merely a pessimist gone to seed. Graduating as a pessimist, he fills his pockets with bombs and becomes an Anarchist. When he becomes bilious and feels mean, he is satisfied that he is either too good or pious for the balance of us ; or else he feels patriotism, of the croaker stamp ; is concerned about the good of his party, and wants an office, so that he can reform it.

He feels like he is a new man in opposition to the new woman, and,

"While his wife takes in sewing, to keep things agoing, the croaker superintends the earth." He is like a mustard plaster, in that he has no curative properties, but is simply a counter-irritant, and also, like a mustard plaster, he is usually raising hell behind your back. (Laughter and applause).

In a battle—I do not speak now in my military capacity, but rather of business or political battles—while others carry arms, the croaker shoulders a telescope that he may foresee disaster, looks wise and prophesies defeat, and lets out section after section, that he may magnify awful disaster out of the minor weaknesses of his brethren. He, too, would be a soldier, were it not for the fact that his grandfather met with an accident, and he has inherited the symptoms. (Laughter).

As a politician he understands the villainies of all other parties, and is utterly ignorant of the good things of his own. He is as badly off in his definitions of things as the little girl in the Parish Church, who had carefully been drilled to answer correctly the one question in the Catechism which the teacher supposed would be propounded to her, but, unfortunately, the little girl ahead of her was absent, and so, instead of being asked by the Priest, "What is Purgatory?" she caught the question "What is Matrimony?" and she responded, "That state of torment in which souls are punished for their sins." "Tut, tut," said the father, "that is the answer to Purgatory." But the Bishop, who was doubtless more experienced, said, "Howld on, let the child alone, for all you and I know, she is telling the truth." (Laughter and applause).

But, brethren, it is your business croaker who is the typical cuss alluded to in the sentiment accompanying this toast, who sits in the swamp *all* the day long and does nothing but croak. He pervades commercial and financial centers and with his depressing outlook, flaps the owl wings of gloom in the face of a rising sun of Prosperity, and declares that financial disaster is the unquestioned interpretation of Daniel's dream, and that the weird beast with seven heads and ten horns is to trample the credit of business circles in the dust. Your croaker is a hybrid sort of an animal, like a bat, half mouse and half bird; he is not a first-class flyer, and as a sprinter he is a dismal failure.

And yet this good old government can borrow a hundred million of dollars any day from we bloated aristocrats, and we still have money for banquets.

The croaker is always ready to add to disaster, whether justified or not. He is as bad as the man whose wife sent him down to the cellar for a pitcher of milk. He stumbled unfortunately on the top step, and he went down into the cellar, with such casual interruption to his career as each step afforded as he struck them in succession. As he lit on the stone pavement of the bottom, he was comforted by his wife asking him, with that tender solicitude which wives can assume on like occasions: "John, did you break the pitcher?" and John said, "Naw, I didn't, but d——d if I don't;" and he did. (Laughter and applause).

Whatever hindrances there are in our municipal affairs, our business advance and our commercial interests as a city, they have been and are largely due to the croakers who lay down when the columns of united interests are ordered to advance. Let us hope that all the sore spots which the croaker exhibits will be made by the heels of enterprise, which trample him into the dust on their onward march to success. (Applause). The average croaker is an ambulance with a loud gong, going about the streets but belonging to no hospital. But let us dismiss the croaker, and bury him under the ruins of any business which he murders. On his tombstone let an inverted hand be carved, its fingers pointing downward, and over it the legend: "Buried with the burial of an ass;" and under it his last words: "I told you so."

My brethren, fluctuations in demand may in time deceive even an optimist as to the possible supply. Over production must necessarily depreciate values, adverse conditions and very strained relations may sometimes be very hard to bring into close fellowship, yet, while the day may be protracted between seed time and harvest, between investment and return, the return comes when energy is wedded to an unflinching determination to win, and Mahomet will start for the mountain, when he has ascertained that the mountain has no intention of moving toward him.

Now a few words in conclusion. I don't know whether the Senator-elect would like to have any advice about his course in the Senate from

the croakers present, but we are ready to give it to him if he wants it. We would like to suggest, when he goes to Washington, that he arrange to have a government under which we can have an American chance to earn a living, and the right to keep it when we earn it. We would get it honestly, of course. We would also like his help to make this country the best place on earth to live in, to work in, and to die in; and the other little places, which we have not annexed, like Venezuela and Cuba, can wait a short time, until we have straightened these things out.

As to our brother Foraker, he has heard a few only of the good things of himself in which we all concur. We do not begrudge him these because we all love him, and, like my distinguished friend, Sir Henry Irving, as quoted to me by his friend, Dr. Graydon :

“ Give me my sword, ‘ Excalibur,’
Why listen to this ‘ Cro-aker,’
Are we not all tried, trusty friends,
A toast to him, our ‘ For-aker,’ ” (Laughter).

Brother Foraker has been sentenced by the people to a term of six years in the Senate, for his repeatedly expressed contempt of the High Court of the Democracy. He says he doesn't know just what he will do there or how he will do it. It strikes the average Republican that if any one crosses swords with the Senator-elect, it will be a case of what the *other* fellow will do. We commend such to a study of the doughty warrior in “ Twelfth Night,” for he will doubtless have occasion to say, “ Plague on 't, and I thought he had been valiant and so cunning in fence, I 'd have seen him hanged ere I 'd have challenged him.”

If Brother Foraker has any trouble about the distribution of the offices, either local or otherwise, we can assure him he need not worry about that. If he will select any three or four of the gentlemen present to-night, we will gladly attend to all such matters for him, and thus save him a great deal of trouble and correspondence.

But let us call a truce to all this pleasantry and jest. We are to end this delightful opportunity of laying our garlands of love and respect at the feet of our neighbor, our friend, our brother — brother in

the great fellowship of the universal brotherhood of man ; banded to make each other happier and the world better by our living in it. We have given our honored guest our sincere congratulations. We send to that noble woman who has been, and is, the inspiration of his public and private life, our heart echoed wishes that all happiness, health and prosperity may be the measure given the home circle for many, many years.

In this, the closing hour of night, our closing words to brother Foraker are, that either here, or in Washington, or wherever he is ;

“ Our hearts, our hopes are all with thee,
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with thee, are all with thee.”

(Cheers and applause).

List of Guests.

Ayres, James M.
Ampt, Wm. M.
Alter, Franklin.
Allison, Robert.
Altenberg, Geo. P.
Archibald, R. M.
Alms, Fred. H.
Ackerland, Max.
Alms, Wm. H.
Addy, Matthew.
Archibald, R. J. H.
Butterfield, A. P.
Brown, Dan'l W.
Bradford, E. F.
Bullock, George.
Bettinger, Albert.
Bernard, Lewis G.
Breen, John.
Braemer, Theo.
Buckland, Geo.
Burch, Wallace.
Bushnell, A. S.
Burton, Stephen R.
Bode, A. H.
Buchwalter, M. L.
Burgheim, Max.
Bailey, Sam'l, Jr.

Bauer, Morris
Bosworth, C. A.
Brown, Chas. Edgar.
Bundy, Wm. E.
Bromwell, J. H.
Bradley, F. A.
Brannan, J. D.
Ballman, F. H.
Bettman, Morris L.
Brown, Adolph L.
Biddle, W. P.
Bettman, B.
Black, L. C.
Brewster, J. W.
Bader, Fred.
Bohrer, Geo. H.
Carl, Alvin.
Colter, Archibald.
Cox, Benj. H.
Carroll, R.
Campbell, B. W.
Cox, Geo. B.
Cox, Joseph.
Carew, Jos. T.
Corre, A. G.
Colston, Edward.
Crane, Clinton.

Cox, Joseph, Jr.
 Conroy, A. J.
 Caldwell, John A.
 Cushing, Wade.
 Clore, J. C.
 Comstock, F. D.
 Crawford, L. J.
 Commercial Gazette.
 Critchell, B. P.
 Davis, David.
 Davis, Nat. Henchman.
 Dana, S. F.
 Du Brul, Nap'n.
 Davidson, A.
 Davis, Charles.
 Dunbar, H. B.
 Dien, F. J.
 Dodds, Milo G.
 Ernston, Jas. D.
 Espy, James.
 Ezekiel, H. C.
 Ellison, Jas. D.
 Emerson, Lowe,
 Egan, Thos. P.
 Ernst, Rich'd P.
 Ehrman, Benj. F.
 Ellis, Frank.
 Ebersole, Geo. R.
 Evans, Chas.
 Ernst, John P.

Enquirer, The Cin'ti.
 Freie Presse, The.
 Foraker, J. B.
 Freiberg, Maurice J.
 Fisher, Wm. Hubbell.
 Freiberg, J. W.
 Felton, Sam'l M.
 French, Tilden R.
 Furst, Abe.
 Ferris, Howard.
 Fehheimer, J. S.
 Fleischmann, Chas.
 Fleischmann, Julius.
 Fehheimer, Henry S.
 Foraker, Jos. B., Jr.
 Fisher, George.
 Fitzgerald, J. W.
 Frey, John.
 Foraker, Jas. R.
 Ford, Collin.
 Ford, Wm.
 Fries, Gus. R.
 Fagin, Morgan H.
 Fisk, Chas. H.
 Garrard, Jephtha,
 Griffith, G. P.
 Guthrie, J. V.
 Gano, Gazzam.
 Goodman, Wm. A.
 Goetz, John, Jr.

Graydon, Dr. T. W.
 Gansel, Chas. O.
 Gregg, E. B.
 Grant, W. C.
 Goldsmith, A. W.
 Galvin, John.
 Granger, W. W.
 Gray, Adam.
 Greenwald, C. E.
 Gordon, W. J. M.
 Goodale, Levi C.
 Hoefinghoff, Chas.
 Hooker, Jas. J.
 Hunt, W. L.
 Hoyt, Jas. H.,
 Hall, E. C.
 Hicks, James.
 Harper, J. C.
 Heuer, W. H.
 Hunt, Chas. J.
 Hadden, C. B.
 Herrmann, Aug.
 Hickenlooper, A.
 Hinkle, A. Howard.
 Hoffheimer, Harry M.
 Hafer, George.
 Holloway, C. M.
 Herlinger, A. L.
 Harrison, W. H.
 Hendley, Frank W.

Hutton, J. M.
 Hollister, Howard C.
 Henshaw, George.
 Huschart, Frank M.
 Holmes, C. R.
 Hutton, Wm. E.
 Heekin, James.
 Hunt, Samuel F.
 Heath, Perry S.
 Hertenstein, Fred.
 Heath, Thos. F.
 Harrison, Jos. T.
 Ingalls, M. E.
 Immenhart, Henry.
 Isaacson, W. J.
 Irwin, Wm. T.
 Jones, Rankin D.
 Jelke, Fred'k, Jr.
 Johnson, J. W.
 Jackson, W. H.
 Knopf, Sam'l.
 Kramer, Adam A.
 Kuhn, Louis.
 Kineon, Sol. P.
 Kittredge, E. W.
 Kenan, N. G.
 Kellogg, Chas. H.
 Keck, Lee R.
 Kirchner, Frank.
 Kilgour, John.

Kingsbury, C. G.
 Kelley, Thos. H.
 Kahn, Chas., Jr.
 Kroger, B. H.
 Kirchner, F. H.
 Kurtz, Chas. L.
 Krohn, M.
 Kuhn, Oscar W.
 Knaul, M.
 Kumler, Judge Phil. H.
 Kinsley, J. R.
 Langdon, Perin.
 Lewis, Eugene L.
 Lippencott, W. J.
 Laws, Harry L.
 Lawson, F. H.
 Lowenstein, Gus., Sr.
 Lotze, C. M.
 Luebbing, G. G.
 Laidley, F. A.
 Levy, James.
 Logan, Thos. A.
 Mayer, L.
 Maxwell, S. N.
 McCrea, C. T.
 Mack, Thos. A.
 Morrison & Co., James.
 Melish, W. B.
 McNeill, Aaron.
 Mosby, John B.

Mullane, A. J.
 Monfort, E. R.
 Morgan, R. J.
 Markbreit, Leopold.
 Mulvihill, T. J.
 McIntyre, Marion.
 Mackey, John.
 Mack, M. J.
 Miller, I. J.
 Mullen, Mike.
 Murphy, John P.
 Minor, Thos. C.
 Martin, D. B.
 McCally, E. L.,
 McCormick, E. O.
 Marfield, Elliott.
 McDowell, Jos. J.
 Nippert, C. L.
 Oskamp, Henry.
 Outcalt, Miller.
 Prendergast, J. W.
 Pfister, Fred.
 Peaslee, John B.
 Pluemer, Adolph.
 Prior, C. E.
 Pugh, A. H.
 Peters, Ralph.
 Peabody, W. W.
 Pistor, Wm.
 Peebles, Jos. S.

Pullen, R. T.
 Peck, Hiram D.
 Paxton, Thos. B.
 Pattison, John M.
 Pedretti, R. M.
 Post, The Cin'ti.
 Ryan, Michael.
 Ravolgi, A.
 Rheinstrom, Sig.
 Rettig, John.
 Roth, E. N.
 Roe, G. M.
 Rosenbaum, Harry.
 Rulison, H. M.
 Rowe, Casper.
 Robertson, C. D.
 Rowe, W. S.
 Ricketts, Merrill.
 Robinson, J. M.
 Rendigs, Wm.
 Reamy, Dr. Thad. A.
 Shattuck, W. B.
 Shipherd, John J.
 Strauss, Isa.
 Swing, Jas. B.
 Smith, Jackson.
 Senior, Edw.
 Schwill, Albert.
 Swing, P. F.
 Strunk, Wm.

Santmeyer, C. A.
 Sterritt, Geo. T.
 Smith, Amor, Jr.
 Scarlett, J. A.
 Schmidlapp, J. G.
 Stanley, H. J.
 Smith, Rufus B.
 Smith, J. H. Chas.
 Stone, Geo. N.
 Sayler, John R.
 Seasongood, Lewis.
 Sullivan, John J.,
 Smith, J. M.
 Spiegel, Fred. S.
 Stephens, Chas. H.
 Sullivan, J. J.,
 Shears, D. C.
 Thrasher, A. B.
 Trost, Sam'l W.
 Taylor, J. Gordon.
 Tullidge, Frank G.
 Tucker, Alf. A.
 Trost, Jacob.
 Taft, Chas. P.
 Tharp, Willis P.
 Tribune, The Cin'ti.
 Times-Star, The.
 Traub, L.
 Voorheis, A. B.
 Vandergrift, Geo. A.

Volksblatt, The.
 Volksfreund, The.
 Weir, Fred. C.
 Wright, D. Thew.
 Wiborg, F. B.
 Warrington, J. W.
 Woodmansee, D. D.
 Wilson, M. F.
 Washburn, John B.
 Webb, T. D.
 Wulsin, Drausin.
 Woods, Wm.
 Whetstone, John C.

Winkler, Philip.
 West, Robt. H.
 Waddell, Robt. S.
 White, Alfred.
 Wilson, Robt.
 Wabnitz, Geo.
 Wilder, Stephen H.
 Walker, Wm. P.
 Yergason, H. C.
 Zumstein, John.
 Zumstein, Frank C.
 Ziegler, H. M.

FORAKER.



A GREAT SPEECH

—BY—

Senator-Elect J. B. Foraker

ON THE OCCASION OF THE

Opening of the Ohio Republican Campaign at
Columbus, August 15, 1896.

MR. CHAIRMAN, LADIES AND GENTLEMEN:—I am not behind Senator Sherman in the matter of having a prepared speech. But it is not my fault that I have it in that form. The newspapers have a habit of requiring us, when we make opening speeches, as they call them, to write them out beforehand and send them to them, in order that they may be in type before they are delivered. I have complied with that requirement. It is not my fault, as I have said, that I did; but that is all they can require of me. I want you to know that I have made that kind of a speech, and now I am going to make such a speech as I feel like making.' (Applause.) I think it is a good speech, and I would like to have you read it. But if you do not, it will never be read.

Now the first thing I want to say to you is, that the thought that has been uppermost in my mind as I have been sitting here this afternoon looking out on this audience and listening to the magnificent address that has just been delivered (cheering), the thought, I say, that has been in my mind is, why is it that we have to have any meetings at all this year? Why is it that Senator Sherman must come here, and with the thermometer ranging in the nineties, jeopardize his grand life to discuss propositions in antagonism to Democracy? I do not know why it is, unless it is that the Democratic party never knows when it is dead.

When we got through with the campaign last year, on election night, as I sat by the side of the operator in Cincinnati and heard him read off a message to the effect that Ohio had elected Bushnell governor by more than 90,000, I said: "Thank God; not only that Bushnell has been elected, but that it won't be necessary to have any more meetings for at least twenty-five years. (Laughter and applause.) Notwithstanding, here we are. And a little bit earlier this year than usual. We generally wait until the middle of September before we commence our campaign, but here now it is only the middle of dog-days (laughter), the 15th day of August, and we are having an opening of a campaign, and have assembled here one of the grandest meetings of the citizens of this commonwealth ever assembled in the state of Ohio.

Why is it? Why it is because, as Senator Sherman has been telling us, we have a new question this year. The Democracy have made a new issue. Why is it they made a new issue? Did not the Democracy know everything there was to know from the beginning? (Laughter.) I will tell you why it is we have a new issue. They have run completely out of the old. They were whipped to a standstill before they started on the tariff, and they were defeated before they started in on the tariff, because, unlike 1892, we now, all of us, understand the tariff question. You cannot find a laboring man anywhere in the United States who does not now understand it without an argument having to be made to him, that if you make a product across the water in some other country you do not have to make it in this country. (Cheering.) That if you make it over there there is an increased demand for labor—over there (laughter)—and that much less demand for labor—over here. (Renewed laughter.) That is what the laboring man has learned.

The farmer has learned something, too. Times have been pretty hard on him. He is selling his products at the cheapest price ever known since before the war. He has found out that to have good demand and to get good prices for his product he must have a good home market. (Cheering.) He must have those products which the American people want to make use of—made not by Englishmen or Germans or Frenchmen, who will constitute home markets for the farmers in those countries, but made by the honest sons of toil of our own country, who constitute a home market for his products. (Applause.)

And the banker has found out something. I remember when I lived here in Columbus for a short time I thought Brother Huntington, who sits on the platform, knew everything about banking, but he knows more now, I venture, than he did then. He knew much then in a general way; now he knows it in a practical form. A man in the banking business gets along better and makes more when all the laboring men are employed and when the farmers are having some place to sell their products.

And the dry goods man, and every other kind of a business man in America has found out the difference between protection and free trade. (Applause.)

And then there is Uncle Sam himself. He has found out something. (Laughter and applause.) In the 27 years the Republican party controlled this country, after the close of the war down to 1892, we paid off and cancelled forever more than one thousand seven hundred millions of the public debt. During the three years and a fraction of Democratic free trade rule, they have paid off nothing, but have increased the public debt by more than \$262,000,000. Uncle Sam is just now calculating how long, at that rate, it will take him to get out of debt. (Laughter and applause, and cries of "Hit him again.") He has made up his mind, like some other people did in 1892, that he

wants a change; and he will have a change just as soon as the law and the constitution will allow it. (Applause.) And it was because the Democratic party foresaw that this was to come to pass in November that they thought they had better try and have a new issue this year. They did not want to go to battle again on the tariff, and the result is we have this money question. I have told you why we have it. Let me now tell you some of the objections I have to it, before I commence to tell you of the nature of it.

I object to it in the first place because the Democratic party proposes it. (Great laughter, applause and cries of "That is sufficient." "That is enough.") Now that is not a bigoted idea. That is founded on reason. (More applause and cheering.) I will tell you why. It is enough to settle it with me that the Democratic party proposes it, for I have been pretty well acquainted as an outside looker on, with that party for the last forty years, and in all that time, it has never failed to be on the wrong side of every great national question.

You know how it was in war times; how it was in the reconstruction period. You will remember how they caressed the rag baby. (Laughter and applause.) You will remember how it was about specie redemption. Why, Mr. Sherman talks here as though disposed to take exception to their criticism of him in connection with the act of 1873. Have you forgotten, senator; has any man forgotten how the Democrats of this country assailed him and abused him and maligned him because of his grand work in connection with resumption in 1879? (Long continued applause.)

And not to be tedious about it, they were not only wrong about all the questions to which I have just adverted, but they were wrong, as I was trying to indicate awhile ago, about their proposition of free trade on which they carried the country in 1892, and so it is. I say, they have not advanced an idea, they have not put forward a proposition in the last forty years with respect to the administration of our national affairs that has met with acceptance and today enjoys the approval of the people of the United States. (More cheering.)

Now, when a party has had forty years of unsuccessful trial, I, somehow or other, lose confidence in them (cheering and laughter), especially when they come to me with a new proposition, admitting in the presentation of it that they have failed beyond expectation with respect to the last one that they advanced.

And so I say I am opposed to this in the first place, because the Democratic party has put it forth. But I have other objection to it. The Democratic newspapers do not seem to like it. One-half the Democratic party itself does not approve this new proposition. Now, when the Democratic party brings forward something so bad that one-half of its own party cannot stomach it, I do not want them to ask me to take it down. (Great laughter and cheering.)

Here is what they have to say about it. I want to read just two or three extracts from leading Democratic newspapers to show you how they criticise this new issue. The New York World, is I suppose, the greatest Democratic newspaper in the country. I understand that it admits that it is. (Great laughter.)

Here is what the New York World says about this new proposition: "The platform was dictated by lunacy." (Cheering and cries of "Good enough, that is right.")

The New York Post says: "In point of morals, it is baser than anything every avowed heretofore by any political party in this country, outside of the slavery question." (More applause.)

The Philadelphia Times says: "The platform should be shunned by patriotic voters as they would shun pestilence." (Renewed cheering.)

And yet they talk about getting Republicans to vote that way. Well, they cannot get me. (Continued applause and cries of "Me either!")

The Philadelphia Record denounces it "As a declaration for repudiation, anarchy and dishonor."

I will not stop to read any thing more. But let me add that those are but fair samples of what has been said by all—or most all of the great and leading Democratic newspapers of the Northern states; more than 100 of them, spreading all over the country from the Atlantic to the Pacific seaboard, have denounced it in that manner. And all their greatest and most trusted, and at least by us, the most respected leaders, have denounced it in similar language. When I lived here my friend, Joseph H. Outhwaite, was thought to be a pretty good Democrat and a very respectable man. Have you heard of him pledging his support to Bryan, free silver and this newly-converted apostle of the new idea, Brother Lentz? (Prolonged applause.) There is another objection. Did you ever stop to study the person of the convention that nominated Mr. Bryan? (A voice—"Which convention?")

I do not know how many conventions he has been nominated by. First he was nominated by the Democratic convention at Chicago. Then he was nominated by the Populistic convention at St. Louis. Then he was nominated by the silver convention at St. Louis; and then he was nominated by the National convention, or indorsed, or something of that sort. But, however it may be, Mr. Bryan was nominated by both the Democratic and Populistic conventions, and they will represent the great mass of the few people who support him at the polls. (Great cheering and laughter.)

Who were the prominent actors in those conventions? Who were the men there representing constituencies and claiming to have a new light about finances? Who were the profound constitutional lawyers and the wise financiers of these bodies? I want to read you a few of their names that I thought of today as I came up here. And I want to tell you that a proposition, without meaning to disparage those people at all, that comes from them, to affect me, is not going to meet my approval, nor with yours, I think,

until we hear what other people think about it anyhow. (Cheering.) Well, there was Governor Altgeld (great laughter and cries of "Hang him.") and "Pitchfork" Tillman (renewed laughter.) And along with them as the next chief actor on that side of the convention was this man, who, when last heard from, was threatening "to blow the livers and lights" out of the Federal troops if Cleveland should send them into Texas as he had sent them into Chicago to suppress the riots there. I refer to Governor Hogg. (Continued applause and laughter.) Altgeld, Tillman and Hogg! (Renewed applause and laughter.)

And then when the Populists assembled the chief instrumentalities for good there were "Cyclone" Davis from Sulphur Spring, Tex. (Long continued laughter.) He made at least three speeches at every session of the convention, and he was ably seconded by "Stump" Ashley and "Buffalo" Jones, and "Commonweal" Coxey, the last but not least, Mary Ellen Lease. (Long continued applause and laughter.) There you have it. Senator Hill of New York, Governor Russell of Massachusetts, and men of that character, men of that ability, men of that record, men of their belief, tried in that convention to keep it from making the fatal mistake it did make, but all in vain. The votes, if not the brains of those conventions, belonged to the Cyclone Davises and the Buffalo Joneses and the Mary Ellen Leases. (Prolonged cheering and merriment.)

Now, my fellow-citizens, I would rather take the judgment of John Sherman on a financial proposition than the judgment of Mary Ellen Lease. (Great applause and laughter.) I would rather, on a profound constitutional or financial question, follow the leadership of Benjamin Harrison than "Pitchfork" Tillman. (Continued laughter and applause.) I would rather trust Governor Bushnell than Governor Hogg (cheering), no matter how fat he may be. (Continued cheering.) And I would rather follow the leadership of the gallant Governor McKinley (long continued cheering), with all these great representatives of sound money, sound protection, sound patriotism and sound everything else supporting him, than "the boy orator of the Platte" with such people controlling him. (More cheering and applause.)

Now, my fellow-citizens, don't you think, just on the face of the case, that the issue ought to be decided in our favor? (Continued applause.) Well, I think so.

And yet I am going to talk with you about this issue a little bit; not very long. It is pretty warm here this afternoon. (Voices of "Go on.") Well, I will. You are not done with me yet. I am going to talk with you about that issue for a little while, notwithstanding what has been so well said by Senator Sherman. I want to talk to you about it in the first place to the end that we may understand just what that issue is; and I am a little bit particular about that because I read a day or two ago—and it took me a day or two to do it—the speech made by "the boy orator of the Platte" when he was notified in New York. It occupied eight columns in

the Cincinnati Enquirer, close print. I read every word of it, and when I got done with it I thought I knew why he was called "the boy orator of the Platte." Geography tells us that the Platte is a very peculiar river. They say it is a thousand miles long and only six inches deep. (Long continued laughter and cheering.)

As I closed the reading of it I had another thought about him. I thought "Mr. Bryan made himself by one speech, and now he has unmade himself by one speech." (Applause.) No man will ever be made president of the United States upon that speech. (Renewed applause.)

What is the nature of this case? There is a great effort being made to create the impression that the Republican party has changed its position in regard to this matter. That is not true. The Republican party has not changed. (Cheering.) It is more explicit in its declarations this year than ever before, because the circumstances were such as to require a more explicit declaration; but the Republican party has declared this year for exactly the same things it declared for in 1892. I know; I was there; I helped to make both platforms. (Applause.) Senator Teller was there, too, both times. He came, in 1892, before the committee on resolutions, demanding that we insert in our platform a declaration for free silver. We said "No." We said, "We believe in bimetallism, in the sense that both gold and silver shall be used as standard money, and in favor of an international monetary conference to bring that about, but the Republican party does not believe in single silver standard monometallism, and we are, therefore, against your free silver proposition. (Applause.) We refused to give him his declaration. He did not expect to get it when he asked for it, and he was not surprised when we refused it. I know he was not, because he told me he was not.

Four years passed. I was again on that committee. So was he. We assembled to prepare a plank upon the financial, as upon every other question. He came before us with another demand for free silver. We answered him in 1896 as we had answered him in 1892, but Senator Teller said, "Unless you give me what I ask, free silver, I will bolt this convention and the Republican party." We said to Senator Teller that we appreciated his high character; we appreciated his good standing in years gone by as a Republican; we admired his ability; we loved him as we loved all who had served the cause of Republicanism in the days gone by, and were therefore sorry to see him go; but when it came to the question of having a sound currency for the American people to do business with, or having the Republican party get along without the services of the distinguished senator from Colorado, we could only say, "Goodby, Senator Teller." (Applause.)

Our declaration in 1892 and our declaration in 1896 are both declarations in favor, as I said a minute ago, of bimetallism, when you can have it, and we think we can have it by an international agreement, but declarations in favor of maintaining, until then, the

existing gold standard, and not being allowed to be driven to a silver standard.

Now, what is the policy that we have been having? That is the policy that we have been having for 23 years. Senator Sherman has been telling you how we have maintained gold and silver at a parity. Mr. Bryan seemed to think he ought to say something on that point; and he stated in that speech made in Madison Square garden, to which I have referred, that we have been able to maintain silver dollars coined in the ratio of 16 to 1, at par with gold because the silver dollars are a legal tender. That is not the reason at all. The reason silver dollars are maintained at par with gold is because silver dollars, and every other form of United States money, are redeemable in gold. (Applause.) I saw that they were selling Mexican dollars on the streets today, and I thought I would like to see them. I do not want to palm any of them off on anybody, but I sent down and got a couple of them and I have them here. There are two Mexican dollars (exhibiting same); I bought them for one United States silver dollar. There are six grains more of pure silver in each of these Mexican dollars than there are in this one United States silver dollar. These Mexican dollars down in Mexico are a legal tender. They are worth down in Mexico, where they are a legal tender, just what they are worth up here in the United States. You can buy in the City of Mexico with one of our silver dollars two Mexican dollars—or practically that, a few cents difference. Why is it? Is it because the Mexican dollars are legal tender? No; it is because the Mexican dollar has no redeemer. (Great laughter and applause.) When you get the Mexican dollar you are at the end of your business transaction. That is money. That is the highest money they have in circulation. But when you get the silver dollar of the United States, you find it worth a dollar in gold, because if you want the gold all you have got to do is to ask for it. That is all you ever had to do under Republican rule.

How is it, this dollar is made redeemable in gold? Not by express declaration. But by the declaration which Senator Sherman read to you and similar declarations. A declaration that pledges the government of the United States to maintain the parity of gold and silver dollars. How can you maintain that parity? Only by at all times being willing and able to pay out gold for silver to anybody who wants it.

Now, I have some other money here. (A voice, "You are lucky.") Yes, I am lucky. There is a one dollar bill (exhibiting same.) That is a certificate that somebody has deposited one silver dollar in the vaults of the United States treasury at Washington and he can have it back again whenever somebody brings that paper. That is not a legal-tender. I suppose, therefore, according to Mr. Bryan, we ought to find this representing the intrinsic value of the silver. He says the silver dollar is as good as gold because it is a legal tender. Will somebody explain to me, who accepts his announcement, why this silver certificate, which is not a legal tender, should

be worth just as much as that silver dollar, or a gold dollar, or any other dollar that the mints of the United States ever put forth? There is only one answer to it, and a man does not have to live in the country of the Platte to understand what it is either. The answer is that it is the policy of the government of the United States and the congress of the United States to put forth its pledge to maintain that policy; to keep every dollar of its money, whether silver or paper, at par with gold, and everybody knows you can have the gold for it. That is why it is.

Now, has this been a good policy or not? I have other pieces of money here representing the same thing. We have, you know, six different kinds of paper money. I do not know whether you knew it or not, I did not know it until I counted them and I do not expect you did. You did not know it because you have never taken the trouble to find out because you knew the general fact and were satisfied with it that no money, whether it was a national bank note, a greenback note, a silver certificate, a gold certificate or a treasury certificate, no matter whether it be made legal tender by law or not, it is the money you know, of the United States of America, and behind which this great and powerful government of ours stands, and you know that our government has given you its pledge that you can have the gold for it whenever you want it. And, therefore, when I pay you with a silver certificate you do not look at it; or when I pay you with a gold certificate, you do not look at it. You do not know whether it is gold or silver you are getting. You do not stop to inquire whether it is a national bank note, but you take it. You are glad to get it. You will take it inside out, upside down or in any way, just so you get it. (Continued cheering.)

That is true because it has been our policy and we have steadfastly and successfully pursued it, of maintaining all our money at par with gold.

And now, what about the gold? It does not have to have any redeemer, does it? The government does not have to say it will redeem the gold dollar. All the government does with respect to it is to say—this is a dollar, or ten dollars, or twenty dollars, or whatever the denomination may be. It simply certifies as it comes from the mint that it possesses the requisite amount of gold to be named as it names it, and the gold does all the rest. It will go anywhere in this country; anywhere all over the world, and it is worth just as much in one country as it is in another. And if you want to put it under a hammer and hammer off the eagle, and hammer off the inscriptions upon it and pound it up into a rolled ball of bullion, it would still be worth just as much anywhere in this country as it was with that certificate upon it, and worth just as much in China, Japan or Europe or any other country. Nobody has to guarantee it.

Now, my fellow-citizens, has it or not been wise that we have pursued this policy? Haven't you been proud of the currency of the United States during all these past years? Hasn't it been the

pride of every patriotic American citizen that as our gold would travel around the globe, so too, would every dollar of our paper money, being redeemable in gold, travel everywhere and be everywhere honored at its face? Every American has been proud of it. Every business man has profited by it. Every laboring man has derived benefit from it. We have had a stable currency. As Senator Sherman has pointed out, we have had an abundant currency. There has not been any trouble with it until during the last two or three years. Until Mr. Cleveland came into power the second time, you did not hear any complaint about our money, did you? You did not hear of any trouble with the gold reserve. All this trouble has arisen since then. Why? Simply because, as every intelligent man knows, they adopted a policy of free trade as contra-distinguished to a protective tariff policy, and the first result was the paralysis of business and the second result was deficient revenues to the government. When people see that a government takes in less money than it has to pay out, they begin to get distrustful of it. If they have anything that calls for gold, they begin to present it and demand gold. So it is with an individual. If the richest farmer in Franklin county should suddenly enter upon an unfortunate kind of life, develop dissipated habits, spend more than he makes, his neighbors would soon find him out; they they would soon begin to lose confidence in him. If any of them had his notes of hand, you would find them calling upon him to secure payment while he still had enough left to pay with. So it is with a government. When the creditors of this nation saw the Democratic party in power and saw the kind of a policy it entered upon and saw its results, they got uneasy; they commenced demanding payment, and then you heard for the first time that there was a gold reserve, and, as the singer said awhile ago, it was "tumbling down," and soon bonds had to be issued.

Now, my fellow-citizens, the best remedy for this whole trouble is to put the Republican party back in power; preserve the policy of a protective tariff; inaugurate the policy of reciprocity, and give to the American people an economic administration under which the government would have enough revenue to live and everybody engaged in business in this country and every laborer in the country can find something to do. (Prolonged applause.)

I will not, in view of what has been said to you by Senator Sherman, press upon your time to pursue the subject longer. Before I quit, however, let me say one word to the farmers who may be here represented. As I said awhile ago, they have been having a hard time of it. I was brought up on a farm. I know something about that business. It has resulted in my keeping in pretty close touch with the farmers of this country; keeping pretty familiar with their situation, and I know with what dreadful results the experiences of the last three years have fallen upon them. Mr. Bryan and those who ask you to vote in his support are going about over the country to tell you that the trouble to the farmers is because silver has been demonetized. Let me say to you, my agricultural friends,

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that the trouble with the farmers is because their markets have been demonetized. (Great applause.) You did not have any trouble in 1892 and before that, did you? (Renewed applause and cries of "Not a bit.") Everybody went to work. We had a home market that consumed 95 per cent. of all that we could raise. In an evil hour the American people were misled. They put the Democratic party into power pledged to a free trade policy. They were afraid after they got into power to give it to us in all its fullness, but they did give us in lieu of the McKinley tariff what is called the Wilson-Gorman tariff, and that is a monstrosity. I might talk about it in many respects, but let me tell you in a word what it has done for the farmers of this country.

The Wilson-Gorman law not only gave us lower duties on all imports, agricultural as well as otherwise, but it also destroyed all of our reciprocity treaties, under which we were rapidly increasing our foreign trade when Mr. Cleveland came in. What is the result of it? Take last year and compare it with the year before and you will find that we sold abroad of agricultural products in round numbers \$150,000,000 less than under the last year of the McKinley law. And last year, under the Wilson-Gorman bill, in round numbers there were imported into this country to be sold here in competition with our farmers, agricultural products amounting in the aggregate to more than \$68,000,000. In round numbers, as result of this experiment of a Democratic administration, the farmers have been made to feel the folly of free trade to the extent of \$250,000,000 in the markets for their products. (More applause.) That is not all. That is what it cost us abroad. Who can tell what it has cost us at home? Ninety-five per cent. of our markets were at home, but our own people are out of work largely, and our own people, who are at work, are commanding lower wages. There are less people to buy. The farmer feels it. A man cannot buy much oats or feel his oats much, who hasn't anything at all in his pockets. (Laughter and cheering.) And so it is that with our market curtailed in our foreign trade to the extent of \$250,000,000, and our markets at home curtailed to the extent of far more than that, and nobody can tell how much, the farmer is having a hard time. What does the farmer want? Does he want a cheap dollar? No; God knows that is not what the farmer wants. (Great applause.) The farmer wants a good market in which he can sell everything he raises for a good dollar; that is what he wants. (Renewed applause.) When the farmer gets a good market and gets a good demand and gets that which is equal to gold for what he has to sell, then the face of the farmer will be wreathed with smiles once more. (Cheering.)

How are you going to get it? Do you think you will ever get it under Bryan? Do you think the "boy orator of the Platte" would every get down to such a plain business-like matter as tariff on wool and other things the farmer is interested in? (Cheering and laughter.) There is not much latitude for oratory and rhetoric here. (Renewed laughter.)

What you want to do, my fellow-citizens, who are engaged in agricultural pursuits is to remember that through all the years of the present generation you have never trusted Republican policies in vain. (Continued cheering.) No matter whether the questions pertained to the preservation of the Union and the constitution; to human liberty; to equality of right as to suffrage or whether they have related to our economic conditions, the Republican party has ever been on the side of right, and the prosperity and glory you have enjoyed in consequence are greater and grander than any language can describe. (Great applause.)

Now it is too hot to talk to you any longer. I tell you, my fellow-citizens, this thing of entrusting our national affairs to a political party for four years is something that is very serious. (Applause and a voice, "We see it now.") We did not see it before, did we? That is true.

That reminds me that a few years ago when the Republican party had been in power for 25 years and when everything was running so smoothly you scarcely knew we had a government and there was so much prosperity that the people did not like to be bothered with voting, even once in four years, they commenced talking about changing the constitution and electing the presidents of the United States for eight years. No one is proposing that now is there? (Great laughter and cheering.) We now appreciate the wisdom of the fathers in limiting the executive term to four years. (Renewed laughter and applause.) It is a serious matter, as we have learned. It requires great ability to administer the affairs of a nation of 70,000,000. Do you think this Populistic end of the Democratic party is able to do it? (Great laughter and applause.) They failed to do it, the Democrats did, when they had the advantage of all the brains and ability and patriotism that have now deserted them to vote for McKinley.

I take it, there is not a man here who would entrust that branch of the Democratic party with the administration of our affairs of government without at least distrust; and I think I am able to say, without successful contradiction, that there is not a man here, Democrat or Republican, who would have the slightest concern but that everything national would be administered patriotically and to our satisfaction if William McKinley should be called to the Whitehouse. (Long continued applause.) Then if you have distrusted about one and do not have distrust about the other, why make me suffer in the flesh by standing here any longer? (Laughter and applause.)

Ex-Governor McKinley represents in his life, in his record, in his ambitions, all that is best and greatest and grandest in American history for the last forty years. (Prolonged cheering.) A soldier, a congressman, a governor! What a great man he will be four years from now when he has been president of the United States a term! (Continued cheering.)

Ohio has a special duty resting upon her with respect to him. We presented him to the Republicans of this nation. We vouched

for him—though that was hardly necessary. He had been doing business in the presence of and for the American people, and with their approval for a quarter of a century. It was not necessary for anybody to stand behind him like gold stands behind silver. (Laughter and cheering.) He passed before that convention and he passes now, since the convention, at par all over this country and everywhere—except in other countries. (More applause and laughter.) He is not very popular over in England. They do not think much of him, I understand, in Germany or France; but as a distinguished Democrat once said of Grover Cleveland: "We love Governor McKinley for the enemies of that character which he has made." He is not appreciated abroad because his life has been devoted to the defense of American institutions, American labor, and the upbuilding of American prosperity for all classes of American people. He believes in developing our own resources; he believes in giving employment to our own labor; he believes the American farmer should have his own market; that if he has wheat or corn to sell he ought to be able to find somebody in the next town who is working at some kind of manufacturing or some other sort of pursuit, and who must depend upon the farmer for what he eats; somebody who is getting good wages. That is Governor McKinley's policy. It has been a grand one. Will we continue it? (Great applause and cries of "Yes.")

Yes, we will. I do not believe there can be any question. But in heaven's name, let there be no doubt about what Ohio shall do. We gave Governor Bushnell last year 92,000 majority. That was an off year. (Laughter and applause.) Let us make it this year at least 200,000 and thereby show not only our appreciation of America, American institutions, American integrity, American honor in our finances, our tariff, our reciprocity and every other system and agency of government. (Great applause.)



SPEECH OF 

Hon. J. B. Foraker

At the Bundy Banquet

AT JACKSON, OHIO, MARCH 6, 1896,

in response to the toast:

“THE REPUBLICAN PARTY.”

Mr. Toastmaster, Ladies and Gentlemen: I would be glad if I could speak here to-night as I feel about Mr. Bundy. If I could speak of him in that way, I could say some things about him of eulogy which nobody else here can say, for it has been my great good fortune for the last twenty-five years to sustain towards him a relation that has brought me so near to him that I know better than any of you can possibly know his big brain, broad mind, generous nature, noble impulses and loving and affectionate kindness. Kindness, not simply for his family and friends, but for all humanity; for, as every man knows who knows him at all, if there ever lived a man with heart big enough to compass all the world, he is that man. (Applause). But it is not in good taste for me to undertake to say these things about my father-in-law. I must leave that to others. I will say this, however, seconding in that respect what Gov. McKinley has so beautifully said, that I have never known a more patriotic man; I have never known a more thoroughly American man, and I have never known a more unflinching Republican. (Applause).

I want also to say to all of you that to every member of his family this splendid testimonial of your appreciation of him as man, citizen and public servant, is gratifying beyond anything I shall undertake to express. As spokesman for the rest of the family we thank you, one and all, from the bottom of our hearts, that you should pay him this tribute as he now comes to lay down the armor he has so worthily worn. (Great applause).

But I am reminded that I have a sentiment to discuss. The committee have been very kind to me. They have not only given me a good subject, but they have told me to take unlimited time. The committee shall not outdo me in the matter of kindness. I, too, will be generous. I will not abuse the privilege afforded. I shall limit myself, but not at any expense to the subject.

The Republican Party

Is a sentiment that does not need very much said for it by anybody at this time. (Applause). The truth is, the Republican party is just now speaking for itself, and speaking more eloquently, more forcibly, more effectually, than any man can speak for it.

Any kind of full discussion of this sentiment would appropriately involve some mention of the great questions out of which this organization grew; and it may be expected that I should say something in relation to these questions. However that may be, let me say I shall not speak here to-night of the past of Republicanism. The past can take care of itself. Suffice it to say the achievements of this organization constitute the brightest chapter in American history. They are known to all the world, and are at once the pride, the admiration and the glory of the whole American people.

I want to talk about the present and the future of the Republican party. The first great duty of the Republican

party is to carry Ohio in 1895 (great applause), and the Nation in 1896. (Great applause). And we must not only carry Ohio and the Nation, but we must carry them by such an overwhelming majority as will at once express the confidence of the people of this country in Republicanism, and the condemnation they feel for the incompetency of Democracy. (Applause).

In this behalf we have another duty, and that is to preserve harmony among ourselves. (Applause). That statement is one frequently made. You hear it every year—it has become something of a platitude. But let me say to you, my fellow Republicans, that I do not speak it in any perfunctory way here to-night. I speak it with all the seriousness that comes from the conviction I have that the mischief-maker is abroad in the land. I do not refer to Tom McDougall, who is so constituted he can not help doing what he does, but to the fact that you can not pick up a Democratic newspaper—at least I have not been able to do so since the last election—without finding its columns teeming with sensational accounts of plots and counter-plots, plans and schemes, intrigues and machinations born of alleged jealousies and rivalries, whereby one set of Republicans are seeking to overthrow and destroy some other set of Republicans.

I now and then see my name in the newspapers in this connection, and occasionally I see Gov. McKinley's name used in the same way. Sometimes I have thought that I would say something in answer to this, that or the other article of that character—then have felt that I would not go out of my way to dignify such stuff with attention. But now that I am on my feet, and the moment seems opportune, let me say that, so far at least as I am concerned, and so far, I hope, as Gov. McKinley is concerned, all such articles are but the sheerest fabrications. (Tremendous applause and chéers). We ought to be able with-

out suggestion to understand why such articles are published and be able to discount them in advance. They come from a defeated and despairing Democracy that are without hope of maintaining power where they have it, or securing power where they haven't it, except they can make trouble in our ranks. (Applause).

That is good politics for Democrats, but it would be mighty bad politics for Republicans to let them succeed. (Applause). Let us not be guilty of bad politics, especially not in this year 1895, and by changing the control of this Government, bring to the administration of our affairs a patriotism and broad, comprehensive statesmanship that will take care of the interests of America against all the world. (Applause). Let us stand by one another as we go forward shoulder to shoulder in the discharge of the high duty that rests upon us. (Applause). If so, we will come into power, and when we do there will be plenty of offices to go around. There will be one for every man, woman and child in the Republican party. I don't mean there will be Presidencies enough to go around. There is only one Presidency, and Governor McKinley is to have that. (Great applause and cheers).

Nor do I mean there will be U. S. Senatorships enough to go around, (Cries, "Foraker will have that"; great applause), and there won't be enough Governorships or memberships in Congress or in the Legislature to go around; but I do mean to call your attention to the fact that one of the best offices in the Republican party is the one I have been holding for the last six years, the office of a high private in the rear ranks. (Applause). As I remarked, I have been holding that office for the last six years, and they have been the happiest years of my life. I do not expect to ever have another period of such uninterrupted enjoyment as I have had during the last six years. I know, therefore, whereof I speak, my fellow Republicans, when I

say if you do not get anything else, that is good enough. I would rather be a Republican in the rear ranks than to be President of the United States as a Democrat. (Applause). So let us have no bickerings; let us have no jealousies; let us have no trouble in our own camp, but make all the trouble we can in the camp of the enemy. (Great applause).

When we get into office we will have some duties to discharge, which I can not discuss here, but will mention. We will have to revise the tariff on protection lines. We will not have any serious difference of opinion upon this subject. Our Democratic friends are quite willing now after their recent experience to leave that to us. (Laughter). We will not have any difference of opinion either. I take it, upon the question of restoring the policy of reciprocity so happily inaugurated, so recklessly destroyed. I hope there will be no difference of opinion either as to what shall be done with the dominions of the late "Queen Lil." I believe that we ought to take under our flag every island that possesses for us such advantages. This thing of not being able to look out from our shores across the Atlantic or Pacific without seeing an English flag floating from every island of the sea in front of us, with English guns to protect it, is one thing the American people ought to be getting tired of; at least to the extent of allowing those who want to cast in their lots with us to do so. (Applause).

One other thing I want to see done. I want to see the Nicaragua Canal built. (Applause). It is one of the majestic enterprises of our time. The world demands it, and the world will have it. If we do not build it somebody else will. We must do it (applause), and we must control it. These are a few of the things we must do. I do not believe there will be much difference of opinion as to any of them.

And, then, when we are through with all these matters, when we have revised the tariff, when we have restored reciprocity, when we have built that canal, and when we have extended our commercial relations, and increased our navy until it is adequate to protect our interests in all the world, we will have another question about which we may not be so well agreed, and that is the silver question. This question is pressing for settlement and it must be settled. The Republican party is pledged to bimetallism, to the use of both gold and silver as money, subject to such conditions as will enable us to maintain the parity of the two metals. (Applause). The Republican party does not believe in fifty-cent dollars, but it does believe in both gold and silver dollars, each worth exactly the same. We believe in bimetallism in the sense that silver shall be more than a credit money. It must be again made a money of ultimate redemption, and as such take its place alongside of gold. (Applause).

We are pledged to this, and the question is as to how to accomplish it. We agree that by an international ratio we can put silver where it rightfully belongs. There is likely to be another international monetary conference, asked for this time by Europe, and it is probable the long desired result can be attained. If so, that settles it, and most happily. But if that should fail, as other conferences have, then it will remain for this country to find some way, yet to be devised, to work out a solution. I do not know what that way will be. It is not for any one man to name it, but for the best judgment of the Republican party, which has in the past been equal to all emergencies, and can master this. This much, however, may be safely said, that the way when found will keep gold and silver at par with each other and make them both, as the fathers made them, the money of ultimate redemption. (Applause). This being our settled purpose, we must at all times

jealously guard our pledge to maintain the parity of the two metals. We have given this pledge in our platform, and we have put it into the law of the land. If we once permit this parity to be destroyed and allow this country to be placed on the single gold standard basis, bimetallism will be thereby made an impossibility. This leads me to say to the Republican members of Congress from Ohio who did so that they made no mistake when they voted against Grover Cleveland's gold bond scheme. (Loud applause).

To issue a gold bond in contradistinction to a coin bond upon the ground that a coin bond is payable in silver is, as I have said, to inevitably destroy the parity of the two metals, and to make bimetallism forever an impossibility. The saving of \$16,500,000 at such an expense would be straining at a gnat and swallowing a camel.

The men who voted down the gold bond business did right, and the gentleman, their colleague, who differed from them and voted for a gold bond, and who was given a banquet at the St. Nicholas last Monday night, made the only mistake that was made, as time will show.

Now, my fellow Republicans, on that question there may be some differences of opinion among us. I refer to it to-night because I wanted to say that much to the Republican members of Congress who voted against gold bonds, and because I want to invite every Republican to commence a study of that question, for it is one of the most momentous importance, not only to the people of this country, but to the people of the whole world. Just now, above all other times, when England even, as was shown by the vote of her Parliament, and Germany, as shown by the vote of the Reichstag, and France, speaking through her Finance Minister, are all alike asking for a monetary conference, at which this question may be further considered, we should stand firmly to our ground. This is a time

of all others when we should hold on to the position of the Republican party.

If the Republican party shall meet in its characteristic way, and with its characteristic success, all these great questions, as I believe and feel that I know it will, its continuance in power will extend beyond the life of anybody here.

Only our own folly or shortcoming can induce the American people to experiment again with Democracy while living witnesses remain of what we are now enduring. (Long continued applause).

SPEECH OF —————

HON. J. B. FORAKER

Nominating for the Presidency

Governor Wm. McKinley

At the National Republican Convention, St. Louis, Mo.
June 18, 1896.

Mr. Chairman and Gentlemen of the Convention.

It would be exceedingly difficult, if not entirely impossible, to exaggerate the disagreeable experiences of the last four years. The grand aggregate of the multitudinous bad results of a Democratic National administration may be summed up as one stupendous disaster; it has been a disaster, however, not without at least one redeeming feature. It has been fair—nobody has escaped. It has fallen equally and alike upon all sections of our country and all classes of our population. The just and the unjust, the Republican and the Democrat, the rich and the poor, the high and the low, have suffered in common. Idleness and its consequent poverty and distress have been the rewards of labor; distress and bankruptcy have overtaken business; shrunken values have dissipated fortunes; deficient revenues have

impoverished the Government, while bond issues and bond syndicates have discredited and scandalized the Nation. Over against this fearful penalty we can set down one great, blessed, compensatory result. It has destroyed the Democratic party. The proud columns that swept the country in triumph in 1892 are broken and hopeless in 1896. Their boasted principles when put to the test of a practical application have proven delusive fallacies, and their great leaders have degenerated into warring chieftains of hostile and irreconcilable factions.

Their approaching National Convention is but an approaching National nightmare. No man pretends to be able to predict any good result to come from it, and no man is seeking its nomination except only the limited few who have advertised their unfitness for any kind of a public trust by proclaiming their willingness to stand on any sort of platform that may be adopted. The truth is, the party that could stand up under the odium of human slavery, opposition to the war for the preservation of the Union, emancipation enfranchisement, reconstruction and specie resumption, at last finds itself overmatched and undone by itself. It is writhing in the throes of final dissolution superinduced by a dose of its own doctrines. No human agency can prevent its absolute overthrow at the next election except only this convention. If we make no mistake here the Democratic party will go out of power on the 4th day of March, 1897, to remain out of power until God in his wisdom, and mercy, and goodness shall see fit once more to chastise his people. So far we have not made any mistake. We have adopted a platform which, notwithstanding the scenes witnessed in this hall this morning, meets the demands and expectations of the American people. It remains for us now, as the last crowning act of our work here, to again meet that same expectation in the

nomination of our candidate. What is that expectation? What do the people want? You all do know.

They want something more than a good business man; they want something more than a good Republican; they want something more than a fearless leader; they want something more than a wise, patriotic statesman; they want a man who embodies in himself not only all these essential qualifications, but who in addition, in the highest possible degree, typifies in name, character, record, ambition and purpose the exact opposite of all that is signified and represented by the present free trade, deficit making, bond issuing, labor saving Democratic administration. I stand here to present to this convention such a man. His name is William McKinley. (*Prolonged applause*).

You seem to have heard the name of my candidate before. And so you have. He is known to all the world. His testimonials are a private life without reproach; four years of heroic service as a boy soldier for the Union on the battle-fields of the Republic, under such generals as gallant Phil Sheridan; twelve years of conspicuous service in the halls of Congress, associated with such great leaders and champions of Republicanism as James G. Blaine; four years of executive experience as Governor of Ohio; but, greatest of all, measured by present requirements, leader of the House of Representatives and author of the McKinley Law—a law under which labor had the richest rewards and the country generally the greatest prosperity ever enjoyed in all our history. No other name so completely meets the requirements of the American people; no other man so absolutely commands their hearts and their affections. The shafts of envy and jealousy, slander and libel, calumny and detraction lie broken at his feet. They have all been shot, and shot in vain. The quiver is empty and he is untouched.

The American people know him, trust him, believe in him, love him, and they will not allow him to be unjustly disparaged in their estimation. They know he is patriotic; they know he is an American of Americans; they know he is wise and experienced; that he is able and just, and they want him for President of the United States. They have already so declared; not in this or that state or section, but in all the states and all the sections from ocean to ocean and from the gulf to the lakes. They expect us to give them a chance to vote for him. If we do we shall give joy to their hearts, enthusiasm to the campaign and triumphant victory to our cause; and he in turn will give us an administration under which the country will enter upon a new era of prosperity at home and of glory and honor abroad. By all these tokens of the present, and all these promises for the future, in the name of the forty-six delegates from Ohio, I submit his claims to your consideration.



Ratification Speech of **HON. J. B. FORAKER**

At Springer Hall, Cincinnati.

JUNE 20, 1896.

Mr. Chairman, Ladies and Gentlemen:

It is a pleasure to me, although the circumstances are not very propitious, to have the honor of presiding here this evening, and I thank the young gentlemen having this meeting in charge accordingly.

There are a number of reasons, however, why I shall not detain you at any length. In the first place, it is the duty of a presiding officer to preside. That is my business this evening. I shall introduce to you those who are to address you upon the subject which has brought us together. Another very good reason for my not undertaking to address you at length is the fact that I haven't very much voice to do it with. I left most of my voice at St. Louis. (*Laughter*). I am not disposed to make any complaint about that, however, for I realize that I lost it in a good cause, and that I have an abundant compensation in the magnificent results we there achieved. (*Applause*).

But there is still another reason, more forcible than any other, why I should leave the speaking to others. This is a ratification meeting. We have assembled for the purpose of expressing approval of that which was done by the National Republican Convention. I had the honor to be a member of that Convention, and in a humble way to

contribute to bring about those results which you have come here to-night for the purpose of considering. For that reason it would seem to be more proper at least to leave the speaking to others, as I propose to do.

And yet there are one or two things I want to take advantage of this opportunity to say. In the first place, it is gratifying to me to know that one of the first ratification meetings held in all the country is this held here in Cincinnati, in the principal city of the state in which Governor McKinley lives. (*Applause*). And I am glad that it is held here on this spot of so much political historic interest—held in a hall (it is somewhat changed since I last stood on this platform, but we will insist that it is the same old hall) where Governor McKinley has so frequently stood to thrill the Republicans of this county with his matchless eloquence and patriotic appeals in behalf of the the cause of Republicanism. (*Great applause*).

FIRST IN THE FIELD.

I know that when he learns that the Republicans of the Queen City have first of all rallied to a meeting for his indorsement, it will be most gratifying news to him, it will be an encouragement to him as he enters upon the great contest that is to be crowned with such a magnificent triumph in November next. (*Applause*).

It is due him also and due our cause that we here in Cincinnati should take the first step, in the presence of the Republicans of the whole Union, in indorsing our most illustrious citizen, when named, as he has been, for the highest honor that the Nation can confer. (*Applause*).

So far as our work at St. Louis was concerned in nominating a candidate, nobody is entitled to much credit.

We only registered there the will of the American people. (*Great applause*). From one end of this country to the other, even in the states that sent delegates to support

other candidates, William McKinley had been nominated for the Presidency before the St. Louis convention spoke. (*Applause*). He was nominated by the people of this country spontaneously expressing their desire, because they recognized that in him they found the most complete opposition represented to all that is signified by this Democratic administration we have had at Washington for the last three years. (*Cheers and applause*).

We have made a great deal of progress since 1892. We thought we knew it all then, and we walked up to the ballot box and voted with respect to the tariff question as though we knew all about it. Well, some of us did know all about it, and some of us didn't but now we all understand it. (*Laughter and applause*). And from one end of this land to the other the American people are ready to say at the ballot box, and will say, that we have had all the free trade we are going to have for the next fifty years to come. (*Applause*).

Maj. McKinley represented more conspicuously than any other Republican the idea of protection to American industries and American labor, and his election to the Presidency will signify to the world more emphatically than any other man's election could that the American people propose to take care of their industries and their laborers, and let the rest of the world look after itself. In other words his nomination means that we are determined to return to the policy of a protective tariff, and to maintain it against all comers.

THAT NEW WHITE ELEPHANT

Now, I want to take advantage of this opportunity to say a word about another matter. I was very much gratified as I rode home on the cars this evening by a cartoon that was published in one of the evening papers. It was a picture of what was called "A new white elephant," and

labeled "Gold," and I was there, along with some other Republicans, worshipping this new white elephant, and the lesson sought to be taught was that the Republican party had declared in its money plank for something new at St. Louis. That is not true.

The declaration of the Republican party, as embodied in its money plank at St. Louis, defines exactly what has been the position of the Republican party through all these years with respect to this silver question. (*Applause*). Silver was demonetized in 1873, and ever since that we have been on a single gold standard basis. About the same time several of the leading nations of Europe demonetized silver, and ever since that time an effort has been made to get back to bimetallism. We have had in that behalf three international monetary conferences, the object of them being to agree with other nations upon an international ratio, according to which we could have the free coinage of silver. But all these efforts have failed.

It has been constantly and repeatedly declared by both parties that bimetallism was desirable in preference to gold or silver monometallism. Both parties have agreed that we could maintain the parity of the two metals and bring about bimetallism again by an international agreement. Some people have insisted in the meanwhile that if we could not do it that way, we could do it alone without regard to what other nations might see fit to do. The Republican party has constantly, consistently and persistently stood up against that idea.

Four years ago, when we held the Convention at Minneapolis, it was my fortune to be the Chairman of the Committee on Resolutions, as I was at the St. Louis convention, and it was my fortune to be associated on that committee with Senator Teller. He and his associates from the silver states came to that Convention and came before that committee, asking us to insert a plank pledging the Republican

party to the free coinage of silver. We refused to do it. We declared that we were in favor of international bimetallism, but that until that could be brought about it would be our policy to maintain silver at a parity with gold by issuing no more of it than could be maintained at a parity with gold.

THEN AND NOW

They accepted the result and remained in the Republican party. That declaration was simply a declaration, as the one adopted the other day was, that we would stand precisely where we were until we could do better. We were agreed that we could safely undertake to have bimetallism by international agreement; we were unwilling and refused to attempt it by free and independent coinage.

They did not feel called upon to go out of the party then, their consciences did not seem to trouble them so much then as now. They remained in the party four years longer. When the last session of Congress commenced, as a result of this Democratic free trade experiment, the Government was found to have deficient revenues, not enough revenues to meet its current expenses. A bill was prepared in the House and passed that body without partisan division, almost, providing for an increase of revenue. That bill was known as the Dugley bill. It went to the Senate. The National credit, the National honor, the National life were at stake. These gentlemen said the bill was unobjectionable, but they refused to vote for it (that is, six of these gentlemen from silver states did) unless the great majority who did not agree with them would sacrifice their convictions and vote for the free, unlimited and independent coinage of silver. The great majority in the Senate would not be coerced by that minority.

That action upon the part of these people directed the attention of the country to that subject as it had not been

directed before. And, therefore, when we met at St. Louis conditions were ripe, not for a different stand to be taken by the Republican party, but for more explicit declarations than we had heretofore made, and, inasmuch as they had thrown down the gage of battle by demanding free silver and seeking to coerce us to accept, we concluded that was a good time to meet them half way, join issue and let the battle come on. (*Applause*). They appeared before the committee, and were part of the committee, just as they were four years ago. They made the same demand; we made the same answer; but when we came to write the platform we said, we will make it so plain all can understand, and so we declared that we were unalterably opposed to the free and unlimited coinage of silver until we can have an international agreement, and in the meantime we will preserve the existing gold standard. (*Loud applause*).

A PARDONABLE INTERRUPTION.

At this point the Stamina League and other clubs marched in and interrupted the speaker. After the clubs had been seated, Senator Foraker resumed his speech as follows:

To resume and conclude with a word, the point I was seeking to make was this: That when Senator Teller and his associates bolted the party at the St. Louis Convention, they had no cause for it whatever that did not exist four years before at the Minneapolis Convention, and when the Republican party made the declaration it did make at St. Louis it did not change its position one particle, but simply made it absolutely certain, in order that there could be a settlement of that question, that the proposition for free, independent and unlimited coinage of silver is a proposition that we will not entertain. (*Cheers and applause*). We will not entertain it because, in our judgment, it does

not, as Senator Teller and his associates claim, mean bi-metallism, but simply silver monometallism. (*Applause*).

According to a law as settled as the law of gravitation, the cheaper money always drives out the dearer. To have free, unlimited coinage of silver would mean to put the United States of America in the same class with Mexico, China and Japan, and so long as the Republican party has control the United States will never get into that class. (*Cheers*).

We go into this fight, therefore, with our gallant standard bearer representing to the people of America protection to American industries and American labor and an absolutely sound dollar with which to do our business. (*Applause*). An absolutely sound dollar, not simply for the banker and the merchant, but for the wage-earner as well. (*Cheers*.) When a man does a full day's work, he is entitled to have a full one hundred cents in the dollar with which he is paid, and we propose that he shall have it. (*Applause*). We propose that the dollar we put into circulation—the metallic dollar—shall be worth one hundred cents in gold all over the world, no matter whether it carries the eagle and superscriptions or not. Take a silver dollar and pound it into bullion and it is worth fifty-four cents; take a gold dollar and pound it into bullion and it is worth one hundred cents all over the world. (*Applause*). Nobody is cheated by that kind of a dollar, nobody is misled by it, no distrust is excited, everybody has confidence in it; and when Gov. McKinley shall have been elected prosperity will at once come again, because that will insure a protective tariff, reciprocity and a sound currency. (*Great applause and cheers*).



FORAKER.



A GREAT SPEECH

—BY—

Senator-Elect J. B. Foraker

ON THE OCCASION OF THE

Opening of the Ohio Republican Campaign at
Columbus, August 15, 1896.

MR. CHAIRMAN, LADIES AND GENTLEMEN:—I am not behind Senator Sherman in the matter of having a prepared speech. But it is not my fault that I have it in that form. The newspapers have a habit of requiring us, when we make opening speeches, as they call them, to write them out beforehand and send them to them, in order that they may be in type before they are delivered. I have complied with that requirement. It is not my fault, as I have said, that I did; but that is all they can require of me. I want you to know that I have made that kind of a speech, and now I am going to make such a speech as I feel like making. (Applause.) I think it is a good speech, and I would like to have you read it. But if you do not, it will never be read.

Now the first thing I want to say to you is, that the thought that has been uppermost in my mind as I have been sitting here this afternoon looking out on this audience and listening to the magnificent address that has just been delivered (cheering), the thought, I say, that has been in my mind is, why is it that we have to have any meetings at all this year? Why is it that Senator Sherman must come here, and with the thermometer ranging in the nineties, jeopardize his grand life to discuss propositions in antagonism to Democracy? I do not know why it is, unless it is that the Democratic party never knows when it is dead.

When we got through with the campaign last year, on election night, as I sat by the side of the operator in Cincinnati and heard him read off a message to the effect that Ohio had elected Bushnell governor by more than 90,000, I said: "Thank God; not only that Bushnell has been elected, but that it won't be necessary to have any more meetings for at least twenty-five years. (Laughter and applause.) Notwithstanding, here we are. And a little bit earlier this year than usual. We generally wait until the middle of September before we commence our campaign, but here now it is only the middle of dog-days (laughter), the 15th day of August, and we are having an opening of a campaign, and have assembled here one of the grandest meetings of the citizens of this commonwealth ever assembled in the state of Ohio.

Why is it? Why it is because, as Senator Sherman has been telling us, we have a new question this year. The Democracy have made a new issue. Why is it they made a new issue? Did not the Democracy know everything there was to know from the beginning? (Laughter.) I will tell you why it is we have a new issue. They have run completely out of the old. They were whipped to a standstill before they started on the tariff, and they were defeated before they started in on the tariff, because, unlike 1892, we now, all of us, understand the tariff question. You cannot find a laboring man anywhere in the United States who does not now understand it without an argument having to be made to him, that if you make a product across the water in some other country you do not have to make it in this country. (Cheering.) That if you make it over there there is an increased demand for labor—over there (laughter)—and that much less demand for labor—over here. (Renewed laughter.) That is what the laboring man has learned.

The farmer has learned something, too. Times have been pretty hard on him. He is selling his products at the cheapest price ever known since before the war. He has found out that to have good demand and to get good prices for his product he must have a good home market. (Cheering.) He must have those products which the American people want to make use of—made not by Englishmen or Germans or Frenchmen, who will constitute home markets for the farmers in those countries, but made by the honest sons of toil of our own country, who constitute a home market for his products. (Applause.)

And the banker has found out something. I remember when I lived here in Columbus for a short time I thought Brother Huntington, who sits on the platform, knew everything about banking, but he knows more now, I venture, than he did then. He knew much then in a general way; now he knows it in a practical form. A man in the banking business gets along better and makes more when all the laboring men are employed and when the farmers are having some place to sell their products.

And the dry goods man, and every other kind of a business man in America has found out the difference between protection and free trade. (Applause.)

And then there is Uncle Sam himself. He has found out something. (Laughter and applause.) In the 27 years the Republican party controlled this country, after the close of the war down to 1892, we paid off and cancelled forever more than one thousand seven hundred millions of the public debt. During the three years and a fraction of Democratic free trade rule, they have paid off nothing, but have increased the public debt by more than \$262,000,000. Uncle Sam is just now calculating how long, at that rate, it will take him to get out of debt. (Laughter and applause, and cries of "Hit him again.") He has made up his mind, like some other people did in 1892, that he

wants a change; and he will have a change just as soon as the law and the constitution will allow it. (Applause.) And it was because the Democratic party foresaw that this was to come to pass in November that they thought they had better try and have a new issue this year. They did not want to go to battle again on the tariff, and the result is we have this money question. I have told you why we have it. Let me now tell you some of the objections I have to it, before I commence to tell you of the nature of it.

I object to it in the first place because the Democratic party proposes it. (Great laughter, applause and cries of "That is sufficient." "That is enough.") Now that is not a bigoted idea. That is founded on reason. (More applause and cheering.) I will tell you why. It is enough to settle it with me that the Democratic party proposes it, for I have been pretty well acquainted as an outside looker on, with that party for the last forty years, and in all that time, it has never failed to be on the wrong side of every great national question.

You know how it was in war times; how it was in the reconstruction period. You will remember how they caressed the rag baby. (Laughter and applause.) You will remember how it was about specie redemption. Why, Mr. Sherman talks here as though disposed to take exception to their criticism of him in connection with the act of 1873. Have you forgotten, senator; has any man forgotten how the Democrats of this country assailed him and abused him and maligned him because of his grand work in connection with resumption in 1879? (Long continued applause.)

And not to be tedious about it, they were not only wrong about all the questions to which I have just adverted, but they were wrong, as I was trying to indicate awhile ago, about their proposition of free trade on which they carried the country in 1892, and so it is, I say, they have not advanced an idea, they have not put forward a proposition in the last forty years with respect to the administration of our national affairs that has met with acceptance and today enjoys the approval of the people of the United States. (More cheering.)

Now, when a party has had forty years of unsuccessful trial, I, somehow or other, lose confidence in them (cheering and laughter), especially when they come to me with a new proposition, admitting in the presentation of it that they have failed beyond expectation with respect to the last one that they advanced.

And so I say I am opposed to this in the first place, because the Democratic party has put it forth. But I have other objection to it. The Democratic newspapers do not seem to like it. One-half the Democratic party itself does not approve this new proposition. Now, when the Democratic party brings forward something so bad that one-half of its own party cannot stomach it, I do not want them to ask me to take it down. (Great laughter and cheering.)

Here is what they have to say about it. I want to read just two or three extracts from leading Democratic newspapers to show you how they criticise this new issue. The New York World, is I suppose, the greatest Democratic newspaper in the country. I understand that it admits that it is. (Great laughter.)

Here is what the New York World says about this new proposition: "The platform was dictated by lunacy." (Cheering and cries of "Good enough, that is right.")

The New York Post says: "In point of morals, it is baser than anything every avowed heretofore by any political party in this country, outside of the slavery question." (More applause.)

The Philadelphia Times says: "The platform should be shunned by patriotic voters as they would shun pestilence." (Renewed cheering.)

And yet they talk about getting Republicans to vote that way. Well, they cannot get me. (Continued applause and cries of "Me either!")

The Philadelphia Record denounces it "As a declaration for repudiation, anarchy and dishonor."

I will not stop to read any thing more. But let me add that those are but fair samples of what has been said by all—or most all of the great and leading Democratic newspapers of the Northern states; more than 100 of them, spreading all over the country from the Atlantic to the Pacific seaboard, have denounced it in that manner. And all their greatest and most trusted, and at least by us, the most respected leaders, have denounced it in similar language. When I lived here my friend, Joseph H. Outhwaite, was thought to be a pretty good Democrat and a very respectable man. Have you heard of him pledging his support to Bryan, free silver and this newly-converted apostle of the new idea, Brother Lentz? (Prolonged applause.) There is another objection. Did you ever stop to study the personnel of the convention that nominated Mr. Bryan? (A voice—"Which convention?")

I do not know how many conventions he has been nominated by. First he was nominated by the Democratic convention at Chicago. Then he was nominated by the Populistic convention at St. Louis. Then he was nominated by the silver convention at St. Louis; and then he was nominated by the National convention, or indorsed, or something of that sort. But, however it may be, Mr. Bryan was nominated by both the Democratic and Populistic conventions, and they will represent the great mass of the few people who support him at the polls. (Great cheering and laughter.)

Who were the prominent actors in those conventions? Who were the men there representing constituencies and claiming to have a new light about finances? Who were the profound constitutional lawyers and the wise financiers of these bodies? I want to read you a few of their names that I thought of today as I came up here. And I want to tell you that a proposition, without meaning to disparage those people at all, that comes from them, to affect me, is not going to meet my approval, nor with yours, I think,

until we hear what other people think about it anyhow. (Cheering.) Well, there was Governor Altgeld (great laughter and cries of "Hang him.") and "Pitchfork" Tillman (renewed laughter.) And along with them as the next chief actor on that side of the convention was this man, who, when last heard from, was threatening "to blow the livers and lights" out of the Federal troops if Cleveland should send them into Texas as he had sent them into Chicago to suppress the riots there. I refer to Governor Hogg. (Continued applause and laughter.) Altgeld, Tillman and Hogg! (Renewed applause and laughter.)

And then when the Populists assembled the chief instrumentalities for good there were "Cyclone" Davis from Sulphur Spring, Tex. (Long continued laughter.) He made at least three speeches at every session of the convention, and he was ably seconded by "Stump" Ashley and "Buffalo" Jones, and "Commonweal" Coxey, the last but not least, Mary Ellen Lease. (Long continued applause and laughter.) There you have it. Senator Hill of New York, Governor Russell of Massachusetts, and men of that character, men of that ability, men of that record, men of their belief, tried in that convention to keep it from making the fatal mistake it did make, but all in vain. The votes, if not the brains of those conventions, belonged to the Cyclone Davises and the Buffalo Joneses and the Mary Ellen Leases. (Prolonged cheering and merriment.)

Now, my fellow-citizens, I would rather take the judgment of John Sherman on a financial proposition than the judgment of Mary Ellen Lease. (Great applause and laughter.) I would rather, on a profound constitutional or financial question, follow the leadership of Benjamin Harrison than "Pitchfork" Tillman. (Continued laughter and applause.) I would rather trust Governor Bushnell than Governor Hogg (cheering), no matter how fat he may be. (Continued cheering.) And I would rather follow the leadership of the gallant Governor McKinley (long continued cheering), with all these great representatives of sound money, sound protection, sound patriotism and sound everything else supporting him, than "the boy orator of the Platte" with such people controlling him. (More cheering and applause.)

Now, my fellow-citizens, don't you think, just on the face of the case, that the issue ought to be decided in our favor? (Continued applause.) Well, I think so.

And yet I am going to talk with you about this issue a little bit; not very long. It is pretty warm here this afternoon. (Voices of "Go on.") Well, I will. You are not done with me yet. I am going to talk with you about that issue for a little while, notwithstanding what has been so well said by Senator Sherman. I want to talk to you about it in the first place to the end that we may understand just what that issue is; and I am a little bit particular about that because I read a day or two ago—and it took me a day or two to do it—the speech made by "the boy orator of the Platte" when he was notified in New York. It occupied eight columns in

the Cincinnati Enquirer, close print. I read every word of it, and when I got done with it I thought I knew why he was called "the boy orator of the Platte." Geography tells us that the Platte is a very peculiar river. They say it is a thousand miles long and only six inches deep. (Long continued laughter and cheering.)

As I closed the reading of it I had another thought about him. I thought "Mr. Bryan made himself by one speech, and now he has unmade himself by one speech." (Applause.) No man will ever be made president of the United States upon that speech. (Renewed applause.)

What is the nature of this case? There is a great effort being made to create the impression that the Republican party has changed its position in regard to this matter. That is not true. The Republican party has not changed. (Cheering.) It is more explicit in its declarations this year than ever before, because the circumstances were such as to require a more explicit declaration; but the Republican party has declared this year for exactly the same things it declared for in 1892. I know; I was there; I helped to make both platforms. (Applause.) Senator Teller was there, too, both times. He came, in 1892, before the committee on resolutions, demanding that we insert in our platform a declaration for free silver. We said "No." We said, "We believe in bimetallism, in the sense that both gold and silver shall be used as standard money, and in favor of an international monetary conference to bring that about, but the Republican party does not believe in single silver standard monometallism, and we are, therefore, against your free silver proposition. (Applause.) We refused to give him his declaration. He did not expect to get it when he asked for it, and he was not surprised when we refused it. I know he was not, because he told me he was not.

Four years passed. I was again on that committee. So was he. We assembled to prepare a plank upon the financial, as upon every other question. He came before us with another demand for free silver. We answered him in 1896 as we had answered him in 1892, but Senator Teller said, "Unless you give me what I ask, free silver, I will bolt this convention and the Republican party." We said to Senator Teller that we appreciated his high character; we appreciated his good standing in years gone by as a Republican; we admired his ability; we loved him as we loved all who had served the cause of Republicanism in the days gone by, and were therefore sorry to see him go; but when it came to the question of having a sound currency for the American people to do business with, or having the Republican party get along without the services of the distinguished senator from Colorado, we could only say, "Goodby, Senator Teller." (Applause.)

Our declaration in 1892 and our declaration in 1896 are both declarations in favor, as I said a minute ago, of bimetallism, when you can have it, and we think we can have it by an international agreement, but declarations in favor of maintaining, until then, the

existing gold standard, and not being allowed to be driven to a silver standard.

Now, what is the policy that we have been having? That is the policy that we have been having for 23 years. Senator Sherman has been telling you how we have maintained gold and silver at a parity. Mr. Bryan seemed to think he ought to say something on that point; and he stated in that speech made in Madison Square garden, to which I have referred, that we have been able to maintain silver dollars coined in the ratio of 16 to 1, at par with gold because the silver dollars are a legal tender. That is not the reason at all. The reason silver dollars are maintained at par with gold is because silver dollars, and every other form of United States money, are redeemable in gold. (Applause.) I saw that they were selling Mexican dollars on the streets today, and I thought I would like to see them. I do not want to palm any of them off on anybody, but I sent down and got a couple of them and I have them here. There are two Mexican dollars (exhibiting same); I bought them for one United States silver dollar. There are six grains more of pure silver in each of these Mexican dollars than there are in this one United States silver dollar. These Mexican dollars down in Mexico are a legal tender. They are worth down in Mexico, where they are a legal tender, just what they are worth up here in the United States. You can buy in the City of Mexico with one of our silver dollars two Mexican dollars—or practically that, a few cents difference. Why is it? Is it because the Mexican dollars are legal tender? No; it is because the Mexican dollar has no redeemer. (Great laughter and applause.) When you get the Mexican dollar you are at the end of your business transaction. That is money. That is the highest money they have in circulation. But when you get the silver dollar of the United States, you find it worth a dollar in gold, because if you want the gold all you have got to do is to ask for it. That is all you ever had to do under Republican rule.

How is it, this dollar is made redeemable in gold? Not by express declaration. But by the declaration which Senator Sherman read to you and similar declarations. A declaration that pledges the government of the United States to maintain the parity of gold and silver dollars. How can you maintain that parity? Only by at all times being willing and able to pay out gold for silver to anybody who wants it.

Now, I have some other money here. (A voice, "You are lucky.") Yes, I am lucky. There is a one dollar bill (exhibiting same.) That is a certificate that somebody has deposited one silver dollar in the vaults of the United States treasury at Washington and he can have it back again whenever somebody brings that paper. That is not a legal-tender. I suppose, therefore, according to Mr. Bryan, we ought to find this representing the intrinsic value of the silver. He says the silver dollar is as good as gold because it is a legal tender. Will somebody explain to me, who accepts his announcement, why this silver certificate, which is not a legal tender, should

be worth just as much as that silver dollar, or a gold dollar, or any other dollar that the mints of the United States ever put forth? There is only one answer to it, and a man does not have to live in the country of the Platte to understand what it is either. The answer is that it is the policy of the government of the United States and the congress of the United States to put forth its pledge to maintain that policy; to keep every dollar of its money, whether silver or paper, at par with gold, and everybody knows you can have the gold for it. That is why it is.

Now, has this been a good policy or not? I have other pieces of money here representing the same thing. We have, you know, six different kinds of paper money. I do not know whether you knew it or not, I did not know it until I counted them and I do not expect you did. You did not know it because you have never taken the trouble to find out because you knew the general fact and were satisfied with it that no money, whether it was a national bank note, a greenback note, a silver certificate, a gold certificate or a treasury certificate, no matter whether it be made legal tender by law or not, it is the money you know, of the United States of America, and behind which this great and powerful government of ours stands, and you know that our government has given you its pledge that you can have the gold for it whenever you want it. And, therefore, when I pay you with a silver certificate you do not look at it; or when I pay you with a gold certificate, you do not look at it. You do not know whether it is gold or silver you are getting. You do not stop to inquire whether it is a national bank note, but you take it. You are glad to get it. You will take it inside out, upside down or in any way, just so you get it. (Continued cheering.)

That is true because it has been our policy and we have steadfastly and successfully pursued it, of maintaining all our money at par with gold.

And now, what about the gold? It does not have to have any redeemer, does it? The government does not have to say it will redeem the gold dollar. All the government does with respect to it is to say—this is a dollar, or ten dollars, or twenty dollars, or whatever the denomination may be. It simply certifies as it comes from the mint that it possesses the requisite amount of gold to be named as it names it, and the gold does all the rest. It will go anywhere in this country; anywhere all over the world, and it is worth just as much in one country as it is in another. And if you want to put it under a hammer and hammer off the eagle, and hammer off the inscriptions upon it and pound it up into a rolled ball of bullion, it would still be worth just as much anywhere in this country as it was with that certificate upon it, and worth just as much in China, Japan or Europe or any other country. Nobody has to guarantee it.

Now, my fellow-citizens, has it or not been wise that we have pursued this policy? Haven't you been proud of the currency of the United States during all these past years? Hasn't it been the

pride of every patriotic American citizen that as our gold would travel around the globe, so too, would every dollar of our paper money, being redeemable in gold, travel everywhere and be everywhere honored at its face? Every American has been proud of it. Every business man has profited by it. Every laboring man has derived benefit from it. We have had a stable currency. As Senator Sherman has pointed out, we have had an abundant currency. There has not been any trouble with it until during the last two or three years. Until Mr. Cleveland came into power the second time, you did not hear any complaint about our money, did you? You did not hear of any trouble with the gold reserve. All this trouble has arisen since then. Why? Simply because, as every intelligent man knows, they adopted a policy of free trade as contra-distinguished to a protective tariff policy, and the first result was the paralysis of business and the second result was deficient revenues to the government. When people see that a government takes in less money than it has to pay out, they begin to get distrustful of it. If they have anything that calls for gold, they begin to present it and demand gold. So it is with an individual. If the richest farmer in Franklin county should suddenly enter upon an unfortunate kind of life, develop dissipated habits, spend more than he makes, his neighbors would soon find him out; they would soon begin to lose confidence in him. If any of them had his notes of hand, you would find them calling upon him to secure payment while he still had enough left to pay with. So it is with a government. When the creditors of this nation saw the Democratic party in power and saw the kind of a policy it entered upon and saw its results, they got uneasy; they commenced demanding payment, and then you heard for the first time that there was a gold reserve, and, as the singer said awhile ago, it was "tumbling down," and soon bonds had to be issued.

Now, my fellow-citizens, the best remedy for this whole trouble is to put the Republican party back in power; preserve the policy of a protective tariff; reinaugurate the policy of reciprocity, and give to the American people an economic administration under which the government would have enough revenue to live and everybody engaged in business in this country and every laborer in the country can find something to do. (Prolonged applause.)

I will not, in view of what has been said to you by Senator Sherman, press upon your time to pursue the subject longer. Before I quit, however, let me say one word to the farmers who may be here represented. As I said awhile ago, they have been having a hard time of it. I was brought up on a farm. I know something about that business. It has resulted in my keeping in pretty close touch with the farmers of this country; keeping pretty familiar with their situation, and I know with what dreadful results the experiences of the last three years have fallen upon them. Mr. Bryan and those who ask you to vote in his support are going about over the country to tell you that the trouble to the farmers is because silver has been demonetized. Let me say to you, my agricultural friends,

that the trouble with the farmers is because their markets have been demonetized. (Great applause.) You did not have any trouble in 1892 and before that, did you? (Renewed applause and cries of "Not a bit.") Everybody went to work. We had a home market that consumed 95 per cent. of all that we could raise. In an evil hour the American people were misled. They put the Democratic party into power pledged to a free trade policy. They were afraid after they got into power to give it to us in all its fullness, but they did give us in lieu of the McKinley tariff what is called the Wilson-Gorman tariff, and that is a monstrosity. I might talk about it in many respects, but let me tell you in a word what it has done for the farmers of this country.

The Wilson-Gorman law not only gave us lower duties on all imports, agricultural as well as otherwise, but it also destroyed all of our reciprocity treaties, under which we were rapidly increasing our foreign trade when Mr. Cleveland came in. What is the result of it? Take last year and compare it with the year before and you will find that we sold abroad of agricultural products in round numbers \$150,000,000 less than under the last year of the McKinley law. And last year, under the Wilson-Gorman bill, in round numbers there were imported into this country to be sold here in competition with our farmers, agricultural products amounting in the aggregate to more than \$68,000,000. In round numbers, as result of this experiment of a Democratic administration, the farmers have been made to feel the folly of free trade to the extent of \$250,000,000 in the markets for their products. (More applause.) That is not all. That is what it cost us abroad. Who can tell what it has cost us at home? Ninety-five per cent. of our markets were at home, but our own people are out of work largely, and our own people, who are at work, are commanding lower wages. There are less people to buy. The farmer feels it. A man cannot buy much oats or feel his oats much, who hasn't anything at all in his pockets. (Laughter and cheering.) And so it is that with our market curtailed in our foreign trade to the extent of \$250,000,000, and our markets at home curtailed to the extent of far more than that, and nobody can tell how much the farmer is having a hard time. What does the farmer want? Does he want a cheap dollar? No; God knows that is not what the farmer wants. (Great applause.) The farmer wants a good market in which he can sell everything he raises for a good dollar; that is what he wants. (Renewed applause.) When the farmer gets a good market and gets a good demand and gets that which is equal to gold for what he has to sell, then the face of the farmer will be wreathed with smiles once more. (Cheering.)

How are you going to get it? Do you think you will ever get it under Bryan? Do you think the "boy orator of the Platte" would every get down to such a plain business-like matter as tariff on wool and other things the farmer is interested in? (Cheering and laughter.) There is not much latitude for oratory and rhetoric here. (Renewed laughter.)

What you want to do, my fellow-citizens, who are engaged in agricultural pursuits is to remember that through all the years of the present generation you have never trusted Republican policies in vain. (Continued cheering.) No matter whether the questions pertained to the preservation of the Union and the constitution; to human liberty; to equality of right as to suffrage or whether they have related to our economic conditions, the Republican party has ever been on the side of right, and the prosperity and glory you have enjoyed in consequence are greater and grander than any language can describe. (Great applause.)

Now it is too hot to talk to you any longer. I tell you, my fellow-citizens, this thing of entrusting our national affairs to a political party for four years is something that is very serious. (Applause and a voice, "We see it now.") We did not see it before, did we? That is true.

That reminds me that a few years ago when the Republican party had been in power for 25 years and when everything was running so smoothly you scarcely knew we had a government and there was so much prosperity that the people did not like to be bothered with voting, even once in four years, they commenced talking about changing the constitution and electing the presidents of the United States for eight years. No one is proposing that now is there? (Great laughter and cheering.) We now appreciate the wisdom of the fathers in limiting the executive term to four years. (Renewed laughter and applause.) It is a serious matter, as we have learned. It requires great ability to administer the affairs of a nation of 70,000,000. Do you think this Populistic end of the Democratic party is able to do it? (Great laughter and applause.) They failed to do it, the Democrats did, when they had the advantage of all the brains and ability and patriotism that have now deserted them to vote for McKinley.

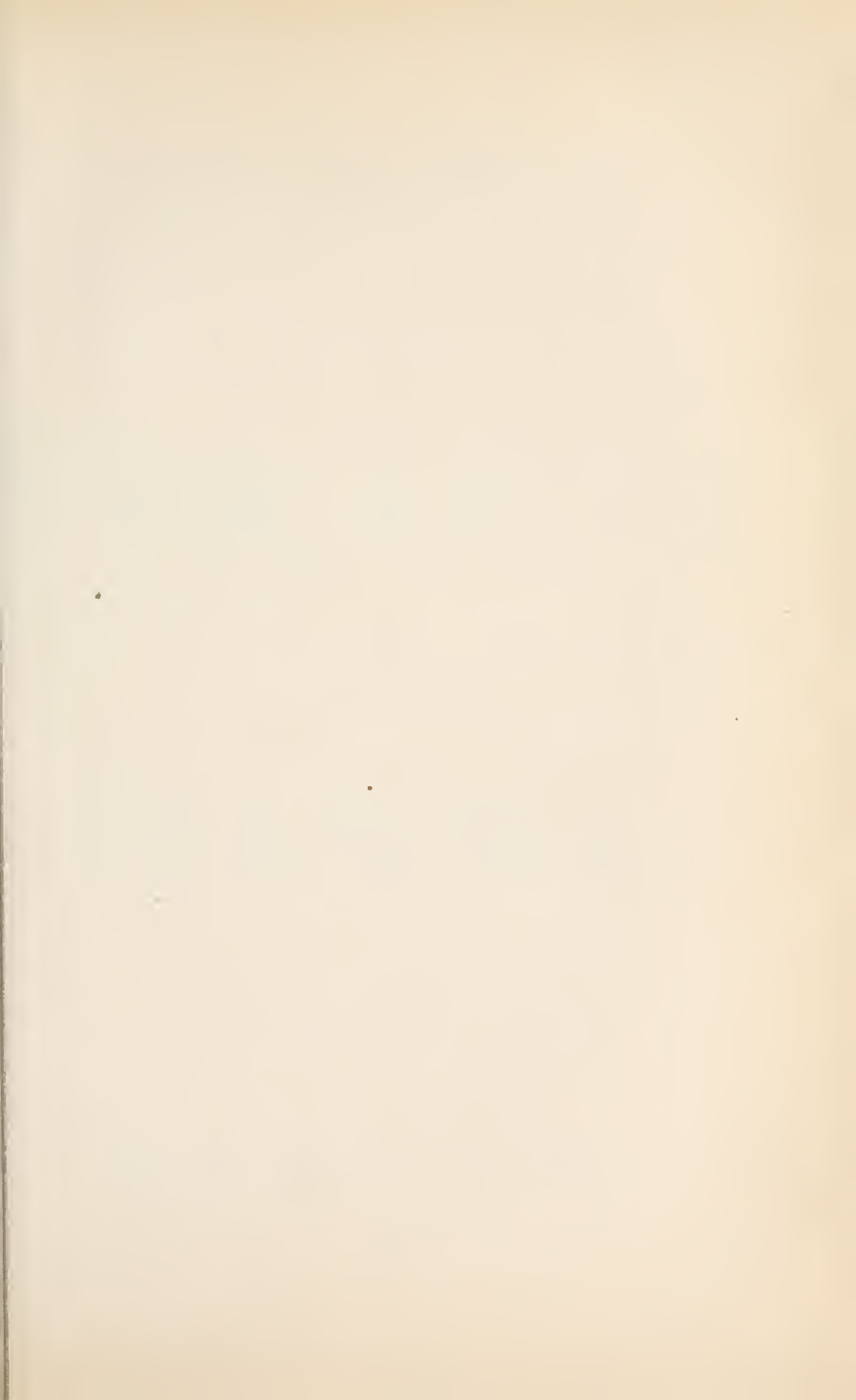
I take it, there is not a man here who would entrust that branch of the Democratic party with the administration of our affairs of government without at least distrust; and I think I am able to say, without successful contradiction, that there is not a man here, Democrat or Republican, who would have the slightest concern but that everything national would be administered patriotically and to our satisfaction if William McKinley should be called to the Whitehouse. (Long continued applause.) Then if you have distrusted about one and do not have distrust about the other, why make me suffer in the flesh by standing here any longer? (Laughter and applause.)

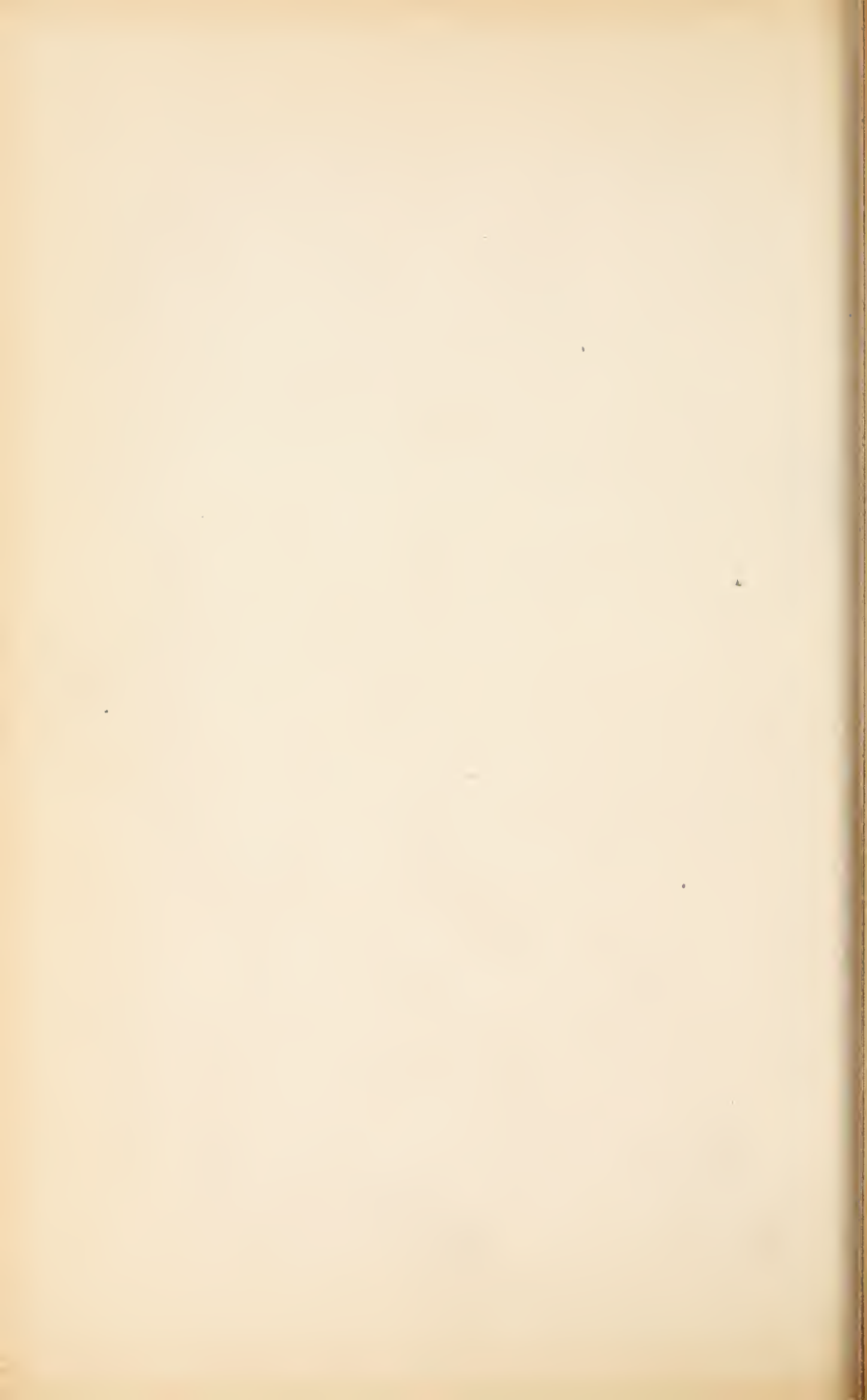
Ex-Governor McKinley represents in his life, in his record, in his ambitions, all that is best and greatest and grandest in American history for the last forty years. (Prolonged cheering.) A soldier, a congressman, a governor! What a great man he will be four years from now when he has been president of the United States a term! (Continued cheering.)

Ohio has a special duty resting upon her with respect to him. We presented him to the Republicans of this nation. We vouched

for him—though that was hardly necessary. He had been doing business in the presence of and for the American people, and with their approval for a quarter of a century. It was not necessary for anybody to stand behind him like gold stands behind silver. (Laughter and cheering.) He passed before that convention and he passes now, since the convention, at par all over this country and everywhere—except in other countries. (More applause and laughter.) He is not very popular over in England. They do not think much of him, I understand, in Germany or France; but as a distinguished Democrat once said of Grover Cleveland: "We love Governor McKinley for the enemies of that character which he has made." He is not appreciated abroad because his life has been devoted to the defense of American institutions, American labor, and the upbuilding of American prosperity for all classes of American people. He believes in developing our own resources; he believes in giving employment to our own labor; he believes the American farmer should have his own market; that if he has wheat or corn to sell he ought to be able to find somebody in the next town who is working at some kind of manufacturing or some other sort of pursuit, and who must depend upon the farmer for what he eats; somebody who is getting good wages. That is Governor McKinley's policy. It has been a grand one. Will we continue it? (Great applause and cries of "Yes.")

Yes, we will. I do not believe there can be any question. But in heaven's name, let there be no doubt about what Ohio shall do. We gave Governor Bushnell last year 92,000 majority. That was an off year. (Laughter and applause.) Let us make it this year at least 200,000 and thereby show not only our appreciation of America, American institutions, American integrity, American honor in our finances, our tariff, our reciprocity and every other system and agency of government. (Great applause.)





SPEECHES

OF SENATORS J. B.

FORAKER

AND M. A.

HANNA,

AT BURTON, OHIO,

September 11, 1897.

SPEECHES

OF

FORAKER



HANNA

OF

OF

Speech of Senator J. B. Foraker.

MR. CHAIRMAN AND FELLOW CITIZENS:—The election in Ohio this year is of national character and importance. The Governorship, the Legislature and a United States Senatorship depend upon the result. These are all-important considerations, but more important still in some respects is the fact that on our action in November depends the question whether Ohio, the home of our honored President, intends to stand by and support him in this, the first year of his administration

GOVERNOR BUSHNELL.

If nothing more were involved than the election of Governor Bushnell, it would be the duty of every man in Ohio who calls himself a Republican to rally to his support. We have had many distinguished governors, but we have never had one more efficient in time of peace than he has shown himself to be. His splendid qualities as a man, his noble, generous-hearted nature, have long been known to the people of Ohio of all parties. His fine business capacities and splendid executive ability have enabled him to do for the people of the state a better service in some respects than any other governor has been able to render in recent years. Not since Governor Foster went out of office have the finances of this great, rich commonwealth been in a satisfactory, or even creditable, condition until now. Their present improved and splendid condition is due to Governor Bushnell more than any other man, for it was under his guiding and directing judgment that the legislation was put upon the statute books which has enabled our state treasury to overcome deficits, do away with advanced drafts and enjoy an income commensurate with our public expenditures; and all this, notwithstanding largely increased public demands.

REVENUES AND BURDENS.

But, what is better still, is the fact that these increased revenues have been provided without any increased demand upon the taxable physical property of the state. Our public burdens are

heavier, and our public revenues are necessarily largely increased to meet these burdens and pay off these deficiencies, and yet all this has been accomplished without adding a dollar to the taxes on the farms and other property of the state. It has been accomplished by legislation that has wisely not only placed these burdens on the quasi public franchises of the state, but has at the same time so equally distributed them as to lighten the load and make it easily borne. It can be safely said that, while our tax system is not by any means perfect, yet it is far more satisfactory and more just in its operation than it has ever before been at any time in the history of our state.

But Governor Bushnell's wise conduct of public affairs has been felt not only with respect to our state financial system, but it has in a marked degree been beneficial to our public institutions. The Ohio Penitentiary, which cost the state many thousands of dollars annually for quite a period, has been made by Governor Bushnell self-sustaining and profit bearing. In no state Hospital, Asylum or other benevolent institution has there been during his administration any scandal or any deficiency of any sort measured by any standard hitherto obtained under the administration of any governor of Ohio. And so it is, therefore, if nothing more were involved at the approaching election than merely the selection of a chief executive, it would be our duty to ourselves as well as to our candidate to overwhelmingly re-elect Governor Bushnell to that position.

LIUTENANT GOVERNOR JONES.

But the state ticket only commences with Governor Bushnell. Associated with him for re-election is Lieutenant Governor Asa W. Jones, and all that has been said of Governor Bushnell in his praise and eulogy as a man, a Republican and an official, may with equal propriety be said of him. He has filled the office of presiding officer of the Senate with as much dignity and ability as any man has ever displayed in that position; and associated with these two leaders of the ticket are candidates of the highest merit, entitled to the confidence, respect and support of all members of their party.

THE LEGISLATURE.

The legislative body is always of great importance in any state, but particularly so in the state of Ohio. We have a population of more than four millions of people. Our industries are of the most varied character. We have agriculture, mining, manufacture and

commerce, represented by almost every kind of business that can be imagined. It requires ability, integrity, zeal and fidelity to satisfactorily legislate for all these interests.

In state, as in national legislation, the Republican party has ever proven itself to be more capable of responding to the people's wishes and promoting the people's interests. They seem to have better business capacity. But, not alone are state interests to be affected by the political complexion of the next legislature. It will directly affect our national legislation, and in this way involve national policies and national interests. The first great step that would be taken by a Democratic legislature, if one should be chosen in Ohio next November, would be to enact a law redistricting the state of Ohio for representation in the Congress of the United States. We now have six Democratic districts and fifteen Republican districts. It is morally certain that, if a Democratic legislature should be chosen, our next delegation from Ohio to the national house of representatives would, as a result, stand practically the reverse of what it now is, or as nearly so as Democratic legislation could make it, so that whether or not we shall have a Republican legislature involves the question whether or not we shall have, in the next national house of representatives, six or eight Republicans and a dozen or fifteen Democratic congressmen, instead of the representation we now have.

Another result of a Democratic legislature would be the selection of some Democrat for the place now held by Senator Marcus A. Hanna; and that would be a loss that must not in any event be suffered. In the first place because the Republican party is already in the minority in the United States Senate. There are now eighty-eight members of that body. There is one vacancy from Mississippi that will be filled by a Democrat, and one vacancy from Oregon that will probably be filled by a Republican. Of these eighty-eight members only forty-three are Republicans. The Democrats, Populists and Free-Silver Republicans thus have the control of that body. What we want is not to lose a Senator from Ohio, but to hold our own in Ohio and gain enough Senators from other states as they hold Senatorial elections, to give us a majority that will put the Senate, as well as the House, in harmony with the national administration. As the membership now stands, on every question that commands only Republican support, we are unable to act. A failure to choose a Republican legislature in Ohio would be a defeat, not only for the Republicans of Ohio, but

for the Republicans of the whole nation. There would be disappointment not only for us, but for all, from the President down to the last man in the ranks of the party that placed him in power. The country has a right to expect Republican success in Ohio this year; the President has a right to expect it. We must not disappoint them.

SENATOR HANNA.

But aside from the mere party and political features of the case, Senator Hanna is entitled to the honor of a ratification by the people of the endorsement which our state convention has already given him. His services to the party have been conspicuous. Not trained to political, party or public services, but simply a straightforward, plain, blunt business man, he took up the work of supporting President McKinley's candidacy for nomination as a labor of love and, triumphing over difficulties that would have been too much for men of less courage and determination, he won his first great national contest. In the campaign that followed he won the confidence and esteem of the whole country as a practical leader and party commander; so that when Governor Bushnell appointed him to the position he now holds, he took it with a national reputation, and with a consequent power for services to his party such as few men have ever enjoyed.

He has been faithful in the use of this great influence and in the discharge of the duties of his office; and not only faithful, but efficient, and efficient in the highest degree. In the great work of framing and passing the tariff bill, which so distinguished the work of the extra session of congress, no man, not on the finance committee, did more than Senator Hanna to win the success that was achieved. I doubt if any other man not on the committee did so much. He devoted himself with assiduity to the study of the various schedules; he listened with patience to the claims and appeals of all, and with rare good judgment aided the committee and the senate in reaching the just conclusions that were embodied in the measure. He may not be an orator, but he is a good, plain, straightforward talker and a sound thinker. He has not had long experience in political matters, but he is all the wiser in a broad and varied business experience, that has brought him in contact with men, and prepared him for the duties of his place. There is the highest need for such men in the senate, and the action of the governor in appointing him, already approved by the state convention, should now be indorsed by the people. The Republicans of

Ohio must not be disappointed—the Republicans of the nation must not be disappointed—the Republicans of the senate must not be disappointed, and the President of the United States must not be disappointed. See to it, therefore, when you go to the ballot-box, that you vote the whole ticket from the governor down to the last man on it, to the end that we may have a Republican executive, a Republican legislature, and continue to have two Republican senators from Ohio.

McKINLEY'S ADMINISTRATION.

But, as I have already said, there is another feature of this election that we must not lose sight of; whether we would have it so or not, the truth is that the vote of Ohio next November will be taken and received everywhere as an expression by the people of Ohio of their approval or disapproval of President McKinley's administration. We know President McKinley, we know him as a man, and we know him as a Republican. We know him as a congressman, and we know him as our governor, and for more than six months we have known him as the President of the United States. We know his history, we know his promises, and we know his performances. Every promise embodied in the national Republican platform of 1896 has been kept by him with religious fidelity. As a result, confidence has been restored to the business world, and prosperity is scattering its blessings throughout all the land. Everybody knows that he is wise, conservative, patriotic and faithful. When he entered upon his official term he did not lose one moment in taking up the great work to which he had been called. The congress was called in extraordinary session, and before five months had passed, after his inauguration, one of the greatest political achievements in the partisan legislation of the last thirty years had been accomplished. A new tariff bill framed on protection lines was enacted and put into operation, and already we have a complete answer to all the arguments made against him in the campaign of 1896.

Business is everywhere reviving, the furnaces have again been lighted, the forges are flaming, the factories are running. We see clouds of smoke by day and pillars of fire by night. Labor has been again called to remunerative employment, and in the home where want and penury were felt, there is again the happiness that comes from industrious labor, and the promise of plenty that follows upon employment. The railroads of the country are again taxed to their uttermost with the passenger and freight traffic they are called upon

to accommodate, and before this time next year we will again have reached the high standard of activity, employment and prosperity that reigned universally in 1892.

For four long years succeeding the re-election of Grover Cleveland the people of the United States were painfully advised that they had made a great mistake. They promised themselves to correct this in 1896. When they went to the ballot-box in that year it was not a question of the man, not a question of theories, but the great paramount question was, which of the candidates and policies proposed could most surely be relied upon to restore happiness, industrial activity and prosperity to the country. After one of the most thorough debates ever known in American politics, William McKinley and the pledges he represented triumphed.

Before the first year of McKinley's administration is ended the wisdom of the people in making that choice has been vindicated. What excuse is there for any man who voted for McKinley last year to vote against his administration this year? There is absolutely none. We should, therefore, without stopping to consider details, especially here in Ohio, one of the great central commonwealths of the Union and the home of the president, give to his administration and to his policies an emphatic approval, and to him and his great and arduous labors an earnest vindication and encouragement to go forward. The way to do this is to vote for that which he represents, and the only way to vote for that which he represents is to vote for Bushnell and Jones, your legislative candidates and the whole Republican ticket.

CREDIT FOR PROSPERITY.

But our Democratic friends say President McKinley and his administration are not entitled to credit for the prosperity which they concede the country is enjoying. They point in support of this claim to the fact that there is a great shortage of wheat in other countries that have heretofore been our competitors in the wheat markets of the world. They tell us it is an act of God and not of the Republican party that wheat is worth \$1 a bushel. There are a good many answers to this suggestion. In the first place it seems a little singular, if it is nothing more than an accident, that the same kind of an accident should attend the Republican party whenever it is dominant in national affairs; somewhat singular that whenever the Democratic party comes into power there should at once develop and spread over the whole business country a kind of business chill that leads to depression, suspension of business enterprises, bank-

ruptey, idleness, demoralization, and consequent hunger, unrest and dissatisfaction—singular that such conditions should doggedly obtain until the Democratic party is turned out of power and the Republican party restored; and that immediately following such a political change there should be a revival of business and a return of prosperity.

Again, whatever may be the truth as to the effect on the price of wheat, of short crops abroad, what is to be said in answer to the statement that, coincident with the advance in the price of wheat, there is a similar and almost as great an advance in the price of wool, and sheep, and corn, and rye, and oats, and barley, and potatoes, and tobacco, and horses, and hogs, and cattle, and every other kind of a product in which the farmer is interested. Has anybody heard of a short crop of sheep in Australia or the Argentina; of a short crop of any of the other products I have named? If not, there must be some other reason than a short wheat crop abroad for these increasing prices.

QUESTIONS EASILY ANSWERED.

But why, again, are our railroads taxed to the full extent of their capacity? Is there any short crop of railroads in Europe, or South America, or Mexico, or Asia, or Africa? Why are our factories, and mills, and foundries, and machine shops all ablaze from morning to night, and from night until morning? Why are our armies of tramps, heretofore led by the Coxey's on Washington, now marching in solid phalanx to the factories, and the mills, and the furnaces, there to sell their labor in new-found markets? I need not dwell upon this. Every man who has sense enough to know anything, knows that the general conditions which obtain in business this year are, without regard to short crops, far better than they were last year. Everybody knows that something has occurred to give the American people confidence to do business, to employ labor, and to invest capital; and everybody knows, who is free from bias and prejudice, that it is due to the fact that the people of this country know that a party is again in power that has capacity to conduct the affairs of this country, and patriotism enough to conduct them according to its best interests. Everybody knows that the election of McKinley made certain our economic condition, both for the production of wealth and as to the character of money with which to do business. The result is a signal triumph for the protective tariff policy inaugurated by the Republican party when it came into power in 1861, and continued with unexampled bless-

ings and benefit to all classes of our people until the Republican party went out of power at the close of President Harrison's administration. Everybody knows that so long as the Republican party remains in power the interests of this country, our labor, our capital, our resources, our opportunities will be considered first and foremost above those of every other country upon the face of the globe; and everybody knows that so long as this policy shall continue, there will be opportunities to labor and as a result there will be a home market for our farmers and safe investments for our capital. And everybody knows, furthermore, that there will not only be safe investments for capital and abundant opportunities for labor, but that the American people will have a sound and stable currency with which to do business among themselves and with the other nations of the world. It is this confidence and this security as to our tariff policy and our currency that constitute the life, spirit and blood of the nation.

Ohio could not do anything more against her own interest, or speak in greater hostility to the fair name, the good credit, and the great prosperity we are entering upon, than to vote against our national administration next November. Such a vote would destroy confidence. It would encourage the free trader and the free silverite, the Populist, and every other kind of heterogenous element, which, banded together, constituted the support of William J. Bryan in 1896, and this should be sufficient to secure a triumphant Republican victory.

Speech of Senator M. A. Hanna.

MR. CHAIRMAN AND FELLOW CITIZENS:—I am glad to have the opportunity to be one of your invited guests at this opening meeting of the campaign. It might be attributed to me that my self-interest in this campaign should be the dominant reason for my being here. My reason, as my honorable colleague has done me the credit to say, for leaving business which has engaged me all my life, to take part in public affairs, was from no selfish motive.

I have been connected with the business affairs of this State all my life. Born in Ohio, educated in Ohio, my life's work has been in Ohio. In the employment of my energies, and with what capital I could command, I have assisted in building up the manufacturing industries of my native State. I can see in the light of experience the danger that threatens our beloved country. I saw the opportunity. I saw the man. I thought I saw what was in the hearts of the American people.

I determined to give myself to the cause of my friend McKinley. Not only because he was my friend—that would have been enough to have commanded all my energies—but I had known him from the day he entered public life. I had been close to his side. I had known the workings of his mind. I knew the promptings of his heart, and I knew that he was a patriot. I believed that such a man was called upon to dispel the calamity which threatened our Nation, and to that cause—my country's cause—I gave my time and nearly my life. Therefore, I stand before this audience today, not as a candidate for the United States Senate, but as a Republican to plead with you, not only as Republicans, but as patriotic citizens, to stand by this Administration.

The last campaign, as Senator Foraker stated, was one of the most important political battles that was ever fought. Thank God, I had the privilege to be one of its defenders. Thank God that Ohio

furnished so many energetic Republican orators and workers who had the strength, and used it in supporting the work of our committee.

We were called upon at the threshold of the campaign to change the issue. When McKinley was nominated at St. Louis it was understood and believed that the great industrial question should be the issue. I never met a Democrat who did not say: "Our policy has been a failure, and the Republican party cannot educate now on that issue." But at the Chicago convention, controlled, not by Jeffersonian Democrats but by Bryanism, free tradeism and all other isms that could be gathered together under the red flag, were flaunted before the country.

The statement was made to the American people that they must forsake the traditions of their forefathers and adopt the isms of anarchy and socialism in order that this new fad and its constituted leader, W. J. Bryan, should be placed in control of the government.

I will not pursue in detail that campaign. You know the results. You know that some of our friends were misled by the sophistries of their leaders into believing that free coinage of silver would bring better times to this country.

The best minds of the country volunteered their services, gave their time and experience to that educational work which was such a feature of the campaign; so that every man who could read and understand, well knew before the campaign closed that he had been mistaken.

Now, what has been the result of that victory? Senator Foraker has eloquently told you. He has left nothing for me to say, save one important thing. He has told you of the effort I made in helping to frame that tariff law, and to pass it through the Senate; but he has not told you that he stood as the leader of Ohio's interests in the tariff fight. He was my file leader, and I undertook to give him all the support that lay in my power with my limited experience as a politician. It was a great fight. It was a great victory. However, the bill was passed and is now a law, and I predict in this connection that two decades will pass before any party dare attack us on it.

The Republican party is responsible through that measure for bringing back prosperity. I know, and all business men know, that the laws of commerce are just as inviolable as the laws of nature, and when any party undertakes an infringement of those laws the result that follows must rest upon it, and disaster will be the result.

The cry was made in the last campaign by Mr. Bryan himself, that he found that silver and wheat had kept company. He has found that Providence, "or some other fellow," as he expressed it, has undermined his arguments. He turned class against class and created a sentiment of communism and anarchy which we should be as free from in this country as from a pestilence.

And now what does he say: "That the reason silver and wheat are still on diverging lines is because of the failure abroad of the crops;" that, anyway, there are only a few wheat raising States that are affected by this operation of advance in wheat. I might say in this connection that there are still fewer States that are interested in the price of silver.

We want a continuation of the present conditions, except we want them better. The time will soon come when the Democratic sheets will announce the fact that this improvement is still going on; that our factories are opening; that work is everywhere offered to the unemployed. That time is fast approaching, and soon will be fulfilled. We will not have permanent prosperity, nor satisfactory prosperity, until labor is employed—well employed.

And now, insomuch as I am talked of as a candidate for the United States Senate, I want to be pardoned for indulging in a personality. During the last campaign it was charged upon me as chairman of the National Committees, told upon the stump, reiterated upon the platform, and filtered through the filthy newspapers, that I, as an employer of labor, was unworthy and unjust. In other words, my cognomen, in political circles on the other side, was that of being a "labor crusher." Well, where I live, in my own city—among the men who work for me—I do not need to make answer to any such charges. But as this is the opening meeting of the campaign, I want to say in this presence that these charges are false.

I have been, in the ramifications of my business, a large employer of labor; but I believe I can state it as a fact that I was the first man in the State of Ohio to recognize organized labor; and from that day to this I have never refused or declined to recognize it. I believe that my prosperity should be theirs, and that I cannot be prosperous without their co-operation; and if my success, either in private or public life, depends upon such charges as have been made during the last campaign to prejudice against me the laboring men of this country, I leave my cause in their hands.

Now, I want to say one word in corroboration of what has been said by my senior colleague in regard to the management of our State affairs. I do not know but that Gov. Asa S. Bushnell's record

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is one of the considerations that has encouraged me to enter public life. In private life, like myself, he was a plain business man, educated to business, devoting his whole time to business. Is not the management of State affairs business? And, therefore, I endorse what Senator Foraker has justly stated, that we have never had in the history of our State, since I knew anything about public affairs, a better Administration, or more satisfactory results, than under Governor Bushnell.

I was going to say, when I arose, that I was glad that Senator Foraker had spoken so eloquently and had exhausted the whole subject. I was simply going to arise and announce my presence, that the people might see that I was better looking than my cartoons.

Now, one thing more. Senator Foraker was good enough to pay me a very handsome tribute, and I want to say publicly that from the bottom of my heart I appreciate what he said. I appreciate it because of the false statements which have been circulated with the hope of creating dissensions. I want to say to this audience that it will take more than John R. McLean and his Enquirer to make a breach between Mr. Foraker and myself.

I know that Senator Foraker is too good a Republican, too great a man, to be influenced in political and public affairs by such nonsense.

If there ever was an occasion when every Republican, of every faction, of every way of thinking, should be banded together with ties of duty and patriotism, that time has come. I believe that all Republicans in Ohio will fully appreciate and realize what is before them, and will rally around the old flag and elect Bushnell, Foraker—and Hanna, I hope.





THE OREGON SENATORIAL QUESTION.

S P E E C H

OF

HON. JOSEPH B. FORAKER,

OF OHIO,

IN THE

SENATE OF THE UNITED STATES,

SATURDAY, FEBRUARY 26, 1898.

WASHINGTON.

1898.

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SPEECH
OF
HON. JOSEPH B. FORAKER

SENATOR FROM OREGON.

The Senate resumed the consideration of the resolution reported from the Committee on Privileges and Elections by Mr. CAFFERY on the 26th ultimo, as follows:

Resolved, That the Hon. Henry W. Corbett is not entitled to take his seat in this body as a Senator from the State of Oregon.

Mr. FORAKER. Mr. President, the debate with respect to the seating of Mr. Corbett is already long protracted. It is not too much to say, perhaps, that every legitimate argument that can be presented on both sides has been presented to the Senate. Surely I am justified in saying, after the speech of the Senator from Wisconsin [Mr. SPOONER], that I might well be content to discharge my duty with the simple casting of my vote in favor of the seating of Mr. Corbett, as I shall cast it, for that speech was elaborate, masterly, and, to my mind, conclusive.

Yet, Mr. President, I feel with respect to this matter as though I want to do something more than cast my vote. I want to at least briefly give the reasons why I do not intend to follow, as Senators have been insisting we should follow, the decision in the Mantle case. I do not intend to follow it because, in my judgment, it was an erroneous decision. I think it was so regarded by the legal profession generally throughout the country at the time when that decision was made, for whether the Senators who were then here and made that decision recognized the fact or not, it was, I think, generally thought throughout the country that the silver question had more to do with the making of that decision than legal principles.

I think the fact that that decision was erroneous is recognized by the Senators who are speaking in opposition here now in this debate to the seating of Mr. Corbett when they make to us the elaborate arguments that they have been making about the doctrine of stare decisis.

Mr. GALLINGER. Will the Senator from Ohio permit me to interrupt him?

Mr. FORAKER. Certainly.

Mr. GALLINGER. I wish to enter a disclaimer, so far as I am individually concerned, having voted against the seating of Mr. Mantle and proposing to vote against the seating of Mr. Corbett, that the silver question had anything whatever to do with the vote I cast in the former case, or that anything else than a conviction of duty will lead me to cast a vote against the seating of Mr. Corbett in the present instance. So the Senator's criticism does not at least apply to one Senator who voted against the seating of Mr. Mantle.

Mr. FORAKER. I am glad to be interrupted by the Senator from New Hampshire in the way I have been interrupted by him.

Mr. PASCO. I ask the Senator from Ohio to yield to me.

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Florida?

Mr. FORAKER. Certainly.

Mr. PASCO. I wish to submit a similar disclaimer: and I think the Senator will find, if he examines the RECORD, that a very large number of those who are bimetallists and believe in the doctrine promulgated at the Chicago convention voted against the admission of Mr. Mantle as a Senator. The RECORD will show that a very large percentage of the votes cast against Mr. Mantle were cast by those who supported Mr. Bryan for the Presidency.

Mr. FORAKER. I am glad to be interrupted in this way also by the Senator from Florida. I have never looked at the RECORD to see how Senators voted in the Mantle case, and therefore I could not have had the vote of any particular Senator in mind. I was only stating a fact, and, notwithstanding what has been said by the Senator from New Hampshire and the Senator from Florida, I repeat that throughout the country at the time when that decision was made the impression was that the silver question had a great deal to do with it. I call attention to that fact, however, not for the purpose of criticising any Senator, but for the purpose of saying that this is not a case for the application of the doctrine of stare decisis, for that doctrine is never applied to compel a court to follow an erroneous decision, except only where it affects a rule of property, or affects vested rights that have been acquired on the faith of the erroneous decision, or where, for some reason or other, it is contrary to public policy that the decision which was admittedly erroneous should be overturned by the reviewing court.

Now, what I want to say in that connection is this, Mr. President, and you will see the legitimacy of the argument, and see that I had it not in mind to criticise any Senator because of the vote he then cast. In the first place, you never invoke the doctrine of stare decisis except only where you concede that the former decision was erroneous. There is never any application of it or any occasion to consider it except only in such a case as that. Therefore I have a right to assume that all the Senators who have labored here to show us that this was a case for the application of the doctrine of stare decisis concede that the decision in the Mantle case was erroneous, as in my opinion it was: and as I said, notwithstanding all that Senators may say as to their individual opinions at the time when they voted, the country generally thought it was, so far as I had any opportunity to observe or to learn from the discussions in the newspapers and otherwise.

The people generally had the impression with respect to it that I have indicated, and for that reason, Mr. President, the decision in the Mantle case has never become a rule for the people of this country to be governed by in matters of this kind, and the decision in the Mantle case is one which can now be reversed, if it should be necessary for us to reverse it in seating Mr. Corbett, without affecting any question of public policy, without affecting any rule of property, without disturbing any vested rights. That is the point I want to make with respect to it.

But, Mr. President, this is not a case for the application of that doctrine if otherwise the conditions were such as to make it appropriate to apply it. It is not a case of that kind, because the

decision in the Mantle case was not a judicial decision, according to the authorities, as I understand them, and that doctrine is never applied except only by the courts, and with respect to former judicial decisions. They can not apply it with respect to anything else.

It is true that the Constitution of the United States does provide that the members of each House shall be the judge of the qualifications of those who are elected to membership, and shall determine whether or not they shall be admitted to membership.

Mr. PASCO. Will the Senator from Ohio allow me to interrupt him?

Mr. FORAKER. Yes, sir.

Mr. PASCO. I think, after what he has said and what was said by the Senator from New Hampshire and myself, it would be only fair to give him the names of those who supported Mr. Bryan for the Presidency and who voted against the admission of Mr. Mantle. The number is 17, I think, out of 35. The following Senators I find on the yea-and-nay list in the CONGRESSIONAL RECORD among those who voted against his admission: Senators BERRY, Blackburn, Coke, FAULKNER, George, Gibson, Harris, KYLE, MILLS, MITCHELL of Wisconsin, MURPHY, PASCO, Peffer, SMITH, Vance, VEST, and WHITE of California.

Mr. FORAKER. I am very much obliged to the Senator from Florida for giving us that information and for putting it in the RECORD, and yet there was no occasion to do so in view of the reason I assigned for making the statement I did. I did not criticize in any way the action of any particular Senator. What I went on to say was that such was the impression over the country, and because that impression obtained there has not been any endeavor on the part of the people of the country to conform themselves to the requirements of that decision. Much less can it be said that any vested rights have arisen on account of that decision or that to overturn that decision if necessary now in seating Mr. Corbett would be to disturb any property rights. This very case shows that the Mantle case, if at all applicable, has been disregarded. You will see that the use I made of the statement I gave was an entirely legitimate one.

But now to recur to what I was about to say. Our action in determining whether or not a Senator who comes here with credentials shall be seated is not judicial action. I need not stop to read, for all Senators are familiar with the fact that the Constitution of the United States, in the third article, provides that the judicial power of this Government shall be conferred upon certain courts which are named in the Constitution, or which, according to that provision, are authorized to be created by statute. There is no conferring of judicial power upon any body but the courts. The legislative branch has no judicial power.

I have not been able to find any decision of the Supreme Court directly in point upon that question in the limited time I have had to make an examination, but being familiar with a decision of the supreme court of Ohio that is directly applicable, I want to call attention to it. The constitution of the State of Ohio provides, just as the Constitution of the United States does, that the judicial power shall be conferred upon the courts enumerated in the constitution and authorized by statute. The constitution further provides that in all contested cases of election the trial shall be had before such tribunal as the legislature may appoint.

The legislature of Ohio provided by statute that in every case

of contested election of a judge the trial should be before the State senate. We had a judicial contest. It was brought before the State senate, and the State senate found against the contestee. I believe that is the way the case arose. At any rate, the decision of the State senate came before our supreme court, and one of the questions involved was whether it was competent under our constitution to confer upon the State senate the power to hear and determine a case of contest. It was claimed that senators could not sit as judges in that contested-election case without exercising judicial power; but our supreme court said, in answering that proposition, that the judicial power was conferred upon the courts, and that while this involved a necessity to sit and hear testimony and pass judgment, yet it was not in an appropriate sense an exercise of judicial power, although approaching the exercise of judicial power in its nature, remarking in that connection that there were many powers which would be held to be legislative or judicial accordingly as the exercise of those powers might be conferred upon a court or upon a legislative body.

I will not stop to read from the case, but it is the case of *The State vs. Harmon* (31 Ohio State Reports, page 250). The case there is precisely what the case is here. The senate of Ohio was empowered to hear and determine. They had to hear and weigh testimony; they had to examine witnesses; they had to pass judgment; they had to determine rights. That is all we have to do in this case. We hear the testimony, we hear what the facts are, and we then apply the law to the case.

Mr. ALLEN. Is not that judicial power?

Mr. FORAKER. No; that is what I am saying. It is a near approach to it, in the sense that it is kindred in its nature to judicial power; so much so that it would be an appropriate power to lodge with the court. But, say the supreme court of Ohio, when that kind of a power is lodged with a legislative body it shall be treated as a legislative power, not a judicial power. And then they cite familiar illustrations which I might comment upon, but I will not stop to read them. When an assessor fixes the valuation on your property for the purpose of taxation, he has to ascertain the facts; he has to exercise judgment; he has to reach a conclusion, but he does not exercise judicial power.

Mr. ALLEN. If the Senator will permit me. I do not want to interrupt him without his consent.

Mr. FORAKER. I yield with pleasure.

Mr. ALLEN. The great weight of authority in the United States is that the assessor exercises quasi-judicial power in assessing property, and I think, if I may be permitted to make the remark, that the decision he cites is an exceptional decision which is contrary to the great current of American authority.

Mr. FORAKER. If the Senator from Nebraska will take the trouble to read this decision, he will find that the supreme court of Ohio in announcing the decision has cited a number of authorities, and that instead of this authority being in conflict with the authorities of other States and of the United States it is in strict harmony with them. I have not had time to examine these authorities, but I know enough of the character of them, from the quotations made, to know that the supreme court of Ohio in making this decision was not going counter to authority, but was going consistently with authority.

Moreover, this decision is by Mr. Justice White, and there are Senators present in the Senate who know that, while he held a

place only on the State supreme bench, yet he was one of the ablest jurists who ever sat on the bench of any court, in any State, or in the United States, so far as that is concerned. He was one of the most careful of judges. He has been long since dead, but his works will live after him so long as the decisions of our State are studied. No one who knew him would ever lightly say that Mr. Justice White ever rendered a decision that was not in harmony with the authorities of other States.

Mr. ALLEN. If the Senator will permit me, I can not understand how power can be exercised by a court which is there considered judicial power, and then when the same identical power is transferred to a legislative body the same identical power can be called legislative power.

Mr. FORAKER. Probably I had better read what the judge says here. I thought I would save time by omitting the reading.

Mr. ALLEN. Of course I do not ask the Senator to read the decision, but the element of judicial power is the right to hear evidence, to inquire into facts, to determine the cause of controversy, and enter a judgment. If any tribunal has that power it is either a judicial or a quasi-judicial tribunal for that purpose.

Mr. FORAKER. Let me read from the decision and then you will get the reasoning of the court. I have no trouble in adopting and approving it. I do not know how it will be with the Senator from Nebraska, but I hope he will see the force of it as well as myself. Mr. Justice White said, in speaking upon this point, on page 258:

The distribution of powers among the legislative, executive, and judicial branches of the government is, in a general sense, easily understood; but no exact rule can be laid down, a priori, for determining, in all cases, what powers may or may not be assigned by law to each branch.

The power of allotting to the different departments of government their appropriate functions is a legislative power; and in so far as the distribution has not been made in the constitution, the power to make it is vested in the general assembly, as the depository of the legislative power of the State.

True, the judicial article requires the judicial power of the State to be vested in the courts and in justices of the peace; but of what this judicial power consists, and what are its limits, are not defined.

And as they were not defined in the constitution of Ohio, so, too, they are not defined in the Constitution of the United States. It is simply a provision that the judicial power shall be lodged with the courts. The two constitutions are alike in that particular.

The jurisdiction of the courts and justices, except in a few specified cases, is required to be such as may be prescribed by law.

What constitutes judicial power, within the meaning of the constitution, is to be determined in the light of the common law and of the history of our institutions as they existed anterior to and at the time of the adoption of the constitution.

Whether power, in a given instance, ought to be assigned to the judicial department is ordinarily determinable from the nature of the subject to which the power relates. In many instances, however, it may appropriately be assigned to either of the departments.

It is said authority to hear and determine a controversy upon the law and fact is judicial power.

That such authority is essential to the exercise of judicial power is admitted; but it does not follow that the exercise of such authority is necessarily the exercise of judicial power.

The authority to ascertain facts and to apply the law to the facts when ascertained appertains as well to the other departments of the Government as to the judiciary. Judgment and discretion are required to be exercised by all the departments.

The exercise of the power of eminent domain vested in county and township boards and in corporations is not the exercise of judicial power within the meaning of the Constitution, while the exercise of the same power by the courts, if vested in them, would be judicial.

And so he goes on. I need not read at greater length. The Senator can take the book, if he would like, and look through it at his pleasure.

Mr. ALLEN. If the Senator will permit me, what is the line of distinction between ministerial and judicial power?

Mr. FORAKER. As the supreme court of Ohio has said in the decision from which I have just been reading, it is at times difficult to define the distinction between judicial and ministerial power, and in such cases, where one so nearly approaches the other in character that it is difficult to distinguish, they will be governed in determining whether it is the one or the other by the nature of the agency selected for the administration of the power, as, for instance, if the power be conferred upon a court to hear and determine in a contested-election case, they will call it a judicial power, but if it be conferred upon a legislative body, it is a legislative power.

Mr. ALLEN. Is not this the distinction, if the Senator will permit me, that administrative power admits of no discretion; that it is mandatory; that you must execute it?

Mr. FORAKER. That depends upon the statute.

Mr. ALLEN. The very elements of judicial power are discretion, investigation, inquiry, and judgment.

Mr. FORAKER. I do not understand that in the exercise of administrative power the official is not invested with any discretion; on the contrary, I can not think of a case, as I now try to think of one, where he does not have discretion. Think of the case we were talking about a moment ago, where the taxing officer examines your property with a view of determining what valuation he will put upon it for the purposes of taxation; it is discretion that he is invested with, as well as a duty to ascertain the facts. All values are necessarily in their nature comparative.

Mr. ALLEN. I think I can call the attention of the Senator to a case—

Mr. FORAKER. Doubtless you can, but I do not think of one just now, and I will be obliged to the Senator if he will suggest one.

Mr. ALLEN. A clear case of administrative power is that of the clerk of a court where he attaches seals, etc.

Mr. FORAKER. That is very true. I am trying to think of cases, however, as to which it would be difficult to draw the lines of distinction. Certainly nobody would presume that the ordinary duties of the clerk of a court were doubtful of construction; nobody would contend that a purely ministerial power of that character was judicial in its nature. I am trying to think of a case where an official of a municipality, of a State, or of the United States Government is invested with some kind of ministerial power and required to perform some kind of administrative duty which in its nature approaches the exercise of judicial power, and I can not think of one where he is not invested with the power of discretion—with the power of coming to a conclusion after he examines the facts and after he reasons in regard to them.

Therefore it is that I do not believe we ought now to follow the decision in the *Mantle* case because, in my opinion, that decision was erroneous, and because, Mr. President, this country has never accepted it and followed it in such a way as to make it appropriate to apply here, if otherwise it might be appropriately applied, the doctrine of *stare decisis*. No rights have been vested on account of it; no rule of property has been created on account of

it: no rule of public policy will be violated that has been adopted on account of the Mantle case if we now depart from it. Therefore, if the Mantle decision was erroneous, as invoking the doctrine of stare decisis implies that it was and concedes that it was, we are under no obligation whatever to follow it and now make a second erroneous decision.

In the next place, I object to following it, Mr. President, because, not being a judicial decision, if it were otherwise on all fours with this case, the disposition of the Mantle case would not bind us now upon the doctrine of stare decisis or res adjudicata, because that doctrine can be applied only to a judicial decision, and that decision was not judicial. Judicial power in this country is conferred upon the courts. It is only when courts pass judgment upon those things with respect to which they have been given jurisdiction that judicial power is exercised and the predicate is laid for invoking the doctrine of stare decisis, other things being appropriate for its application.

But, Mr. President, there is a stronger reason to my mind—if it be possible to have any stronger—than the one I have suggested why the decision in the Mantle case should not bind anybody in this case; why we should feel ourselves at liberty to take up this case and consider it res nova. It has been said here, and repeated here over and over again, that this case is identical with the Mantle case upon the facts. I do not so understand it. Not only do I not understand the facts to be the same, but I can not comprehend how any Senator can make that statement about the facts, admitted and conceded to be what all agree that they are—but when I speak of facts I contradistinguish simple facts from the mixed case of law and fact.

There is not any question but that in the Mantle case the legislature had met, had organized, and as an organized body was in session, with full power and opportunity to elect a Senator if it had seen fit to do so, and failed. In this case it is an admitted fact that while the members-elect to that general assembly had a meeting, they never did have an organization as a legislature under and in accordance with the provisions of the constitution of the State of Oregon.

I listened to the Senator from Tennessee [Mr. TURLEY] yesterday as he stated the undisputed facts. If I do not state them exactly as they are, I trust he will correct me. The senate met—the members-elect. They had a temporary organization. They met subsequently and had a permanent organization, and there is not any question but that the senate of Oregon was duly constituted, duly met, duly organized, and duly in session, with power to do its part in the election of a Senator.

As to the house the case was different. They met: they had a temporary organization; appointed a committee on credentials, and adjourned without anybody taking the oath of office. They never met again, except only a portion of them. The constitution of Oregon provides that two-thirds of the whole number of members elected or 40—having reference to the figures that will represent the number of members of that house—shall constitute a quorum. There were never but 31 assembled after the first meeting; never but 31 members met who had taken the oath of office. There was not, therefore, ever a quorum of the house of Oregon in meeting or in session of any kind whatsoever; and yet it is said they were in session and they had a full opportunity to elect a Senator.

How is that said? It is said they were in session, because the

constitution of Oregon provides that less than a quorum may adjourn from day to day, and shall have power to send for and compel the attendance of absent members; and because, while they were so sitting and adjourning from day to day and undertaking to compel the attendance of absent members, they were not subject to arrest; they were in the enjoyment of all the privileges conferred upon those who were in attendance upon the general assembly in the performance of their duties; and because, further, it is provided by the statute of Congress that on the second day of the Senatorial election, when the two houses of the legislature meet in joint session they shall proceed with the election, provided there be a majority of both houses present.

Well, now, Mr. President, let us examine that just for a moment. It does not seem to me that upon these facts there was a house of representatives in session when less than a quorum had taken the oath of office, and were meeting from day to day, and adjourning from day to day, with power to compel the attendance of absent members, and when it is admitted that they never did compel such attendance.

Certainly it can not be contended that there was ever an organization of that house which met the requirements of the constitution of Oregon, and surely, for the purposes of organization, that constitution would be the organic and supreme law to govern the house of representatives. It does not cut any figure, Mr. President, that there was a majority present, or more than a majority, who had taken the oath of office, so long as the majority failed to be a quorum. It there had been only 10 members of the general assembly present who had taken the oath of office, who were meeting from day to day and adjourning from day to day, with power to send for the other members and compel their attendance, those 10 would have been just as much a legally organized and acting house of representatives of the State of Oregon as the 31 members were or ever could be. It does not make any difference, when you come to consider the question of organization, whether they had 31 members, or 21 members, or 10 members, or 5 members. So long as less than 40 members assembled and took the oath of office and undertook to act together, there was less than a quorum and never any organization. Nothing, it seems to me, can be more definitely established than that.

How did the Senator from Tennessee yesterday, in his very able argument, with which I was pleased, although he differed from me in the opinion that he was trying to uphold, undertake to say that that legislature, which he was compelled to admit never had any valid organization under the constitution of Oregon, had an opportunity to elect a Senator? He got around that by pointing out to us the language of the statute of the United States governing in such case and commenting upon that feature of it to which I have already adverted, that on the second day, if there be a majority of each house present, they may proceed to the election of a Senator. Ah, but, Mr. President, the Senator from Tennessee skipped over lightly the preceding section of this statute. This statute can have no application or operation except only the condition precedent, for the second day's session, the joint session, shall have been complied with. What is the language of the statute? I will read section 14, Title II, chapter 1:

SEC. 14. The legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

When came the time—will some Senator please answer—when it was competent under this statute for the legislature of Oregon to proceed with the election of a United States Senator? This statute can have no application, can confer no power or authority until after the legislature shall have met and shall have organized. When did it organize? The senate organized, we all agree; but the organization of the senate is not an organization of the legislature. When did the house organize? Never. That, Mr. President, is the crucial point in the whole case. There never was any organized legislature in the State of Oregon.

Mr. ALLEN. If the Senator will permit me, what was the condition of the House on the 11th of January, when sixty members assembled at the proper place and elected a speaker pro tempore and all the necessary pro tempore officers? What does the Senator call that?

Mr. FORAKER. I call that a temporary organization; but a temporary organization was not essential. That is not a thing provided for by statute. That was something the members of the legislature had a right to resort to for their own convenience.

Mr. ALLEN. But "organization" is a very broad term.

Mr. FORAKER. Certainly it is a broad term, and yet a well-defined one.

Mr. ALLEN. I do not know but that I am unnecessarily trenching upon the Senator—

Mr. FORAKER. Oh, no.

Mr. ALLEN. But, admitting that Congress has the power to go beyond the language and policy of the Constitution, which stops at "meeting," and say that the legislature shall organize, does the Senator say that organization must be a permanent organization as distinct from a temporary organization?

Mr. FORAKER. I do most emphatically. The law does not know anything about a temporary organization. Mr. President, the law does not authorize a member of the legislature to perform the duties of a legislator until he takes an oath of office to support, not only the constitution of his State, but the Constitution and laws of the United States. It is one thing to be elected and another thing to be qualified.

Mr. ALLEN. Suppose the house had never gone any further, but had gone right along with that temporary organization and passed laws, would not those laws be valid?

Mr. FORAKER. Not at all, in my judgment.

Mr. ALLEN. Especially would they not be valid in a collateral proceeding?

Mr. FORAKER. There might possibly be some case in which some irregularity of that nature might be overlooked. I do not know what the Senator has in mind, but I am confining myself to the requirements of this case.

Mr. ALLEN. In other words, would not that have been a de facto house of representatives?

Mr. FORAKER. I do not think it would, Mr. President, unless they took the oath of office recognized by the constitution and laws of their own State, at least, and perfected an organization after they had taken that oath of office.

Mr. ALLEN. If those sixty men under that temporary organization had participated in the election of a Senator, could we deny the gentleman appearing under that election the right to a seat here because the organization was not permanent?

Mr. FORAKER. I think so. I think if sixty men had come together, and before they took the oath of office—setting aside this

United States statute now as unconstitutional, and looking only to the constitutional provision—if those sixty men had come together without taking the oath of office, and had simply called someone into the chair and had taken a vote and had elected somebody Senator and sent him here, and on the next day they had taken an oath of office and effected a permanent organization and had elected somebody else and sent him here to contest the seat—if such a thing could have been possible, and it is not more unreasonable to suppose it to be possible than is the hypothesis put by the Senator from Nebraska—I think we would all be found voting without hesitation for the Senator who was elected by the legislature after the members took the oath of office and qualified to act under the laws of Oregon and under the laws of the United States. I do not know whether the Senator from Nebraska has any authority upon which he makes the suggestion contained in his inquiry, or not. If he has, I should be very much obliged to him if he would cite it to me. Is such a thing possible?

Mr. ALLEN. I did not want to cite any cases, because I do not readily recollect cases, but I can cite. I think, similar situations and conditions. In judicial proceedings, if a man is called into a jury box and is permitted to sit as a juror and try a cause without being sworn, his verdict is binding and can not be set aside on that ground.

Mr. FORAKER. Do you suppose if a jury of which he was one of the constituent members were to find a man guilty of murder, that that man would ever be hanged if the fact were brought forth of his having sat in the box, practicing a fraud and pretending to be a duly qualified juror when he was not? No court that ever sat in Christendom would ever refuse to set aside such a verdict.

Mr. ALLEN. The Senator is mistaken about that.

Mr. FORAKER. If I am, I am badly mistaken.

Mr. ALLEN. Cases can be found without number, criminal and civil, where a man has been called into the jury box and has never been sworn, but the trial has proceeded by the consent of the parties, and a verdict has been rendered.

Mr. FORAKER. Ah, "by the consent of the parties." Of course that is a very different thing.

Mr. ALLEN. And the court refused to set aside the verdict. In this connection—and then I will leave the Senator—

Mr. FORAKER. No; I hope the Senator will stay with me.

Mr. ALLEN. I want to suggest this thought, that one of the elements of a de facto officer is that he does not take the oath of office, but simply, as a matter of fact, exercises and discharges the duties of the office.

Mr. FORAKER. Mr. President, I do not question but that authorities may be found, though I do not recall any at present, where the sitting of a juror, with eleven others who are all sworn, and he sitting without taking any oath, might be binding, in the sense that those who had tried the case before the jury would be estopped from complaining of the fact that he was not sworn; they would be estopped in the case put by the Senator where the parties who had conducted the trial before an unsworn juror had full knowledge and consented to it; but it would be, it seems to me, an absurd proposition to say that a juror who had been called into the box and had sat there unsworn could render a verdict that would be binding in either a criminal or civil case if the parties who had submitted the cause to that jury had no knowledge of

the fact, but supposed all the while that he had been sworn. Instantly, I say, any court would set aside a verdict rendered by a jury that was subject to that infirmity.

So it is, I say—getting back to the inquiry put by the Senator a while ago as to what would be the effect upon the election by this house of representatives in the State of Oregon if they had never qualified by taking an oath—the effect would be that their action would be an absolute nullity. No man can enter upon the duties of a legislator under our Constitution and laws in this country until he is qualified for that service.

When these sixty men met who had been elected to this house of representatives, they were simply members-elect; they were not yet the legislature. By virtue of their election they had come into a situation where they might qualify, by taking the necessary oath and becoming legislators, to legislate for the people of Oregon and, among other things, help in the election of a United States Senator; but until they did qualify, they were no more, so far as transacting business validly was concerned, than any other sixty citizens of the State of Oregon would have been.

The temporary organization does not cut any figure, because that organization is not recognized by the law. What the law recognizes and talks about is the permanent organization, or, at least—for I use that term in a specific sense—the organization, if it is necessary to qualify it at all, that is perfected by the legislature after the members elected to the legislative body have taken the oath of office and otherwise qualified themselves and put themselves in a situation to pass bills and transact the ordinary business that comes before a legislature.

Mr. President, until that point is reached—and that is the point I want to get back to—this statute, which the Senator from Tennessee relied upon yesterday to support his case, has no operation whatever; for the language of the statute is that the first vote for United States Senator shall be taken by the legislature in separate houses on the second Tuesday after the legislature shall have met and shall have organized. It is not enough that the legislature shall meet. The legislature must also organize, and until it shall have organized this statute has no operation whatever, conceding the constitutionality of it, as that has been conceded all the way through, and I do not propose by making that qualification to intimate anything on that point one way or the other.

Therefore it is, without meaning to detain the Senate unduly, I claim that if otherwise the Mantle case might apply, it can not have any application here, because the facts are not the same. In the Mantle case the legislative body met and organized; it was in session; it had power and authority and opportunity to act and failed to act.

Mr. SPOONER. And it passed laws.

Mr. FORAKER. Yes; it passed laws and did all the other things that legislatures are called upon to do, but in this case they never organized. Therefore this statute never applied, and therefore there was never any time when either the first or second vote could be taken; there never was a time when a majority of each house could assemble in joint session and proceed to the election of a Senator, because the condition precedent had never come to pass of an election or a vote in separate houses on the second Tuesday after organization.

Now, I do not understand that there is any dispute about the

facts. The only question is, What is the legal effect of the facts? and to my mind it is as clear as anything can be that this statute governing the election of United States Senators can not have any application to this case, for the simple reason that there never was an organization; and in that particular, Mr. President, the Mantle case differs from any other case that ever came into this Chamber, so far as I am familiar with the record.

It is not necessary for me to take up and discuss what ought to be the decision in a case like the Mantle case beyond the point to which I have already discussed it. If I had been here when the Mantle case was decided, I am quite sure I should have voted to seat the Senator, because in my judgment it is not competent for the Senate of the United States to undertake to discipline a State—a Commonwealth of this Union—like you would undertake to discipline a naughty schoolboy.

We have heard it said in this Chamber this morning that we must stand by the decision in the Mantle case in order that that decision may be not only a finality, but, like a statute of repose, put this question at rest forever; and we are told if we do not settle it in this way we put a premium on the insubordination of legislatures, and that that is one of the menacing dangers of this Republic.

Mr. President, a far greater danger to the institutions of this country, in my judgment, is to be apprehended from an evasion or violation of the Constitution of the United States, no matter what the excuse may be.

The Senator from Nebraska [Mr. THURSTON], in speaking here a few moments ago, told us that he did not know what he might have done or what view he might have taken of this provision of the Constitution in the early days of the Republic, a hundred years ago, but he was clearly of the opinion that now it was necessary that this view should be upheld. Mr. President, this provision means to-day precisely what it meant one hundred years ago, and what it meant then and means now we ought to adhere to without regard to the consequences. If the framers of the Constitution did not provide for a case which was then unforeseen, the duty resting upon us is not to undertake by our action to frame a new constitution, but to submit a proposition of amendment to the people of the United States, and let them, in the way pointed out by the Constitution, amend it if they see fit.

For my part, Mr. President, I have no apprehension of danger to the Republic from any such cause. So long as human nature is as it is—and I suppose that will be forever—there will be factional controversies; there will be divisions; there will be more or less of contention connected with the election of a United States Senator, and there will be many times when a legislature may fail to elect for the very best of reasons. The Senator from Wisconsin in his very able speech pointed out a number of such instances. It is not necessary for me to repeat them.

We can well afford, Mr. President, to leave to the legislatures of the various States, acting upon their responsibility to their constituents, acting under their oaths of office, the discharge of this duty. It is not necessary for us to make a new Constitution every time we are called upon to vote upon a question whether or not a Senator who comes here with credentials shall be admitted.

I do not propose to stop now to argue what should be the interpretation of the word "happen," or what should be the interpretation of the words "recess of the legislature." I do not propose

to go into any of these refinements. It is sufficient for me to believe—and that meets all the requirements of this case—that it is not for us to consider the motives of a legislature in failing to elect. It is our duty to recognize what I think is very generally conceded to be a fact, notwithstanding what has been said here, that it was the purpose of the framers of the Constitution to give the States continual and, as nearly as possible, uninterrupted representation in this Chamber.

Mr. SPOONER. If my friend the Senator from Ohio will permit me, I should like to ask him a question. Does he think if we should submit to the States an amendment to the Constitution providing that where the legislature of a State fails to provide for an anticipated vacancy the State should go without representation, or partial representation, in the United States Senate until the legislature should meet and elect, that such an amendment would get a single vote?

Mr. FORAKER. I do not think it would get a vote—not one.

While these contentions about the election of Senators are unpleasant and disagreeable—we have had our fair share of them in Ohio; doubtless you have had them in other States—I have never known of any great harm to come from them. After all, the matter finds solution. If the legislature fail to elect, it may be for a good cause or a good reason, and quite as often it is for a good reason as for a bad one, and quite as often the public good is subserved as injured by a failure to elect. But however that may be, the point I wish to make is, that we ought to take the Constitution just as it is and not undertake to refine in order that we may reach an interpretation that will enable us to shut the door of the Senate in the face of a man who comes here with credentials which, in the absence of question, would entitle him to a seat.

It is sufficient for us in this case to know that there was a vacancy. There was only one Senator here from the State of Oregon. One seat was empty. The legislature was not in session; it never had been in session, organized, so as to act under the United States statute, and whether or not it was organized, it was not in session when the vacancy occurred, and the governor, the State having but one representative here, then exercised his power to send a man; and that is just as far as I am going to look. I believe it is our duty to seat him. Regard for individuals has not anything to do with it. I do not know the man who contended against Mr. Corbett. I do not know anything about Mr. Corbett, except only as I have casually made his acquaintance here. I esteem him highly, but I look upon this matter independently of men, and I believe we ought to see to it with care that we do not set another wrong precedent, as many Senators believe a wrong precedent was set in the Mantle case.

Mr. President, with these observations I shall submit the question, so far as I am concerned.

Mr. MANTLE. Mr. President, I do not rise for the purpose of making a speech upon the case which is now being considered with respect to the seating of the appointee from the State of Oregon. I do, however, desire to say just a word before the debate closes, giving briefly the reasons for the vote which I shall cast when the matter is up for final determination on Monday next.

It happened that about five years ago I came to the Senate of the United States bearing a commission from the governor of the State of Montana, who had appointed me under practically the same circumstances which surround the case now before the Sen-

ate. The result of the three or four months' debate upon the case at that time was a vote which declared that the governor could not legally appoint in such a case and that I was not entitled to a seat in this body. The vote was a very close one, and had all the Senators who were favorable to seating been present upon the occasion of the taking of the vote, the decision might have been different. I am inclined to think at least that it would have been a tie vote.

So, looking at the matter in this light, not a great deal of importance attaches to the decision then rendered as establishing a precedent for the future action of this body, not that I hold that any precedent established here relating to membership in this body or to the right of one claiming a seat in this body in cases such as the one now being considered can have any binding effect whatever upon those who may come here afterwards, or can be set up as a rule of action for the future conduct of the Senate of the United States. I hold that every member comes here sworn to uphold the Constitution and to be guided solely by his conscience in the determination of matters of this character: that no predecessor of mine can bind my action and neither can any action of mine bind my successor in respect to such questions. It is a subject upon which every member must exercise his own intelligence and his own judgment and be guided solely by his own conscience, his own conception of what the Constitution means and what is just and right and proper.

I am inclined to believe, having been present during the entire debate five years ago, and I say it with all due respect to every gentleman who was then a member of the Senate, that it was not the constitutional consideration of the subject solely which determined the votes of a number of the members of this body. I am inclined to the opinion expressed but a few moments ago by the Senator from Ohio [Mr. FORAKER] upon this point, and I find some warrant for making this assertion in observations made by the distinguished Senator from Massachusetts [Mr. HOAR] upon the occasion of the vote being taken on the Mantle case in 1893. That distinguished member of this body intimated very plainly that Senators were being governed, not by their views upon the Constitution, but rather by their views upon the opinion which might be held by the appointee respecting vital questions which were then up for consideration.

At the time when I first presented myself before this body, in the month of March, 1893, with the appointment from the governor of the State of Montana, the sentiment in this body was overwhelming in favor of seating. The matter went over, because a quorum was not present, until the extra session called by President Cleveland in August, 1893. That extra session was called for the purpose of repealing what was known as the Sherman silver-purchasing law. Everyone here remembers how strong the tide of sentiment rose both for and against upon that occasion: how very bitter the feeling became; what a prolonged and determined contest ensued in this body over the repeal of that law, and I do not hesitate to say that it was because of the views which I held upon the financial question that some Senators, at least, in this body changed their opinions and voted against my being seated.

I shall not stop to inquire into the circumstances and conditions which led up to this appointment. I do not consider that they have any bearing upon the determination of this matter. If I were to do so, it would perhaps change my intention and lead me

to vote in another direction to that I intend. Neither shall I stop to inquire into the relations which the appointee now claiming a seat in this body has borne toward those circumstances and conditions. They are matters, I know, which are talked of privately here, and if what I hear is true, and I should stop to consider them, they too would influence me, no doubt, to take a different course from that which I propose to take. But I do not consider that I have a right to inquire into those circumstances. If an unworthy man is appointed in such a case as this—and understand I do not say that such is the case; for I have no right to say so—the responsibility therefor must rest with the governor of the State who appoints him.

There are two views, I take it, which must control and govern in this matter. One is the broad, liberal view that every State of this Union is entitled to its full representation upon the floor of this body, to the end that it may be upon an equality with every other State. The other is a purely technical view, which seems to me, with all due respect to those who entertain it, to be narrow in its scope, and which depends largely upon a distorted and unusual definition of plain, familiar words.

I prefer to take what I conceive to be the broader view of the question, and while I deprecate the methods and the conditions which have led up to this appointment—while if I should stop to consider the politics involved or the views of the appointee upon the great vital questions which now confront the country, I should be led to vote against his admission here—yet, ignoring these minor matters, looking at it solely from the standpoint of what I conceive to be the rights of the people of Oregon, desiring to see that they have that full representation upon this floor to which I believe they are justly and constitutionally entitled, I shall cast my vote in favor of seating the claimant.

I merely wish to add, in conclusion, that in my humble judgment the case now under consideration, together with other cases of a like character which have transpired in the last few years—the cases in Montana, Wyoming, and Washington; later the case of the struggle over the election of a United States Senator in the State of Delaware, when the air was reeking with charges of bribery and corruption in connection therewith; the case of the legislature of Kentucky more recently, when the strife became so intense and the contention so violent that armed troops were compelled to invade the very sanctity of the legislative halls of that State in order, it was said, to prevent bloodshed; taking the case in the State of Oregon—taking all these cases together, it seems to me they furnish the very best and strongest possible reasons in favor of a change in the method of electing Senators to this body, and point forcibly and conclusively to the necessity for an amendment to the Constitution of the United States which shall provide for the election of United States Senators by a direct vote of the people. Mr. President, I firmly believe that only in this way can we avoid the constant repetition of those disgraceful scenes of corruption and debauchery which of late years have characterized so many Senatorial elections in a number of the States of the Union.

THE CUBAN QUESTION.

SPEECH

OF

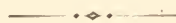
HON. JOSEPH B. FORAKER,

OF OHIO,

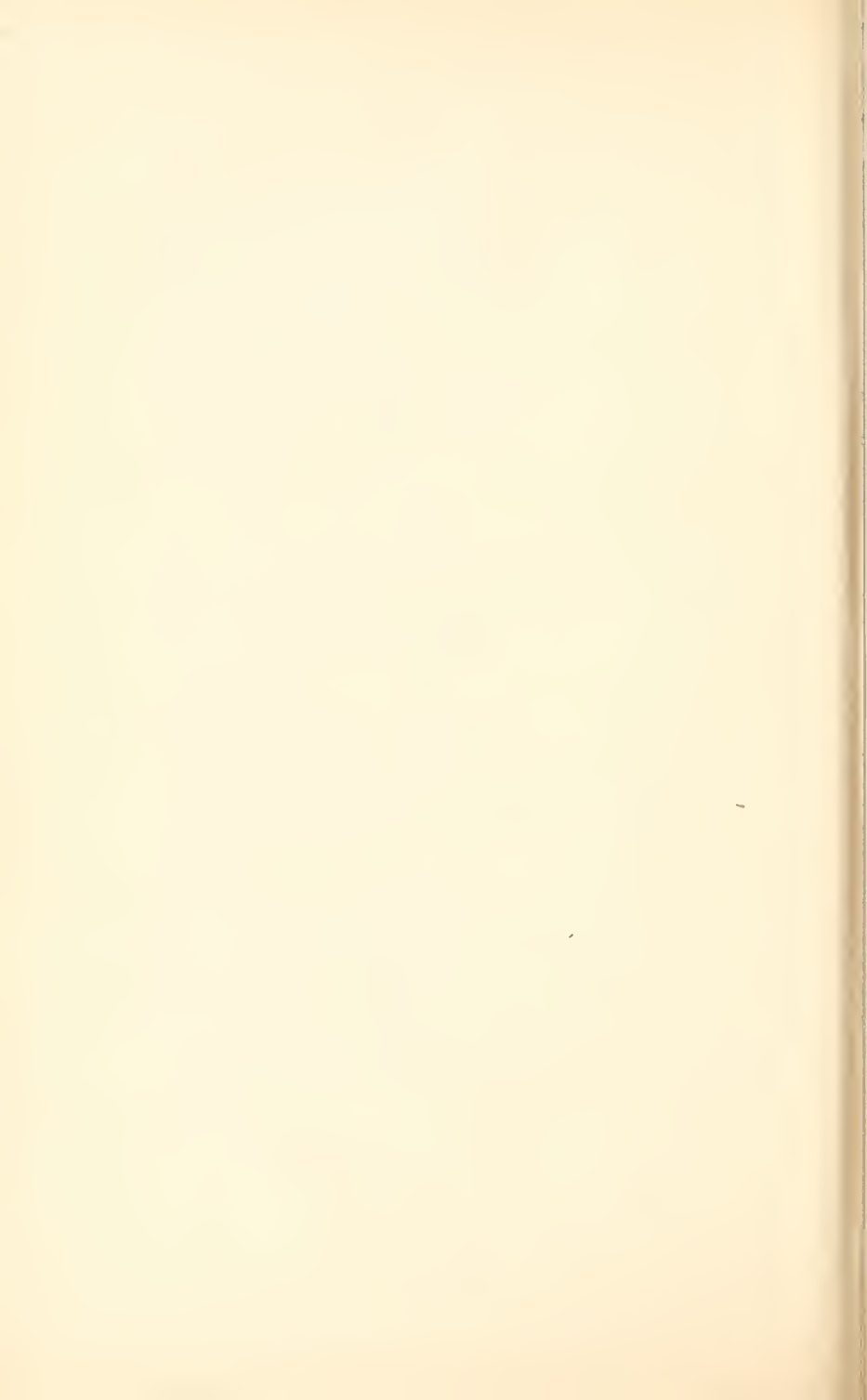
IN THE

SENATE OF THE UNITED STATES,

Wednesday, April 13, 1898.



WASHINGTON.
1898.



SPEECH
OF
HON. JOSEPH B. FORAKER.

The joint resolution (S. R. 149) for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect, was read the first time at length, as follows:

Whereas the abhorrent conditions which have existed for more than three years in the Island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battle ship, with 300 of its officers and crew, while on a friendly visit in the harbor of Havana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, upon which the action of Congress was invited: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First. That the people of the Island of Cuba are, and of right ought to be, free and independent

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

* * * * *

The SECRETARY. It is proposed to strike out all after the resolving clause and insert:

The President is authorized, directed, and empowered to intervene at once to restore peace on the Island of Cuba, and secure to the people thereof a firm, stable, and independent government of their own, and is authorized to use the Army and naval forces of the United States to secure this end.

* * * * *

Mr. FORAKER. Mr. President, in his message of the 11th instant the President of the United States has very thoroughly and with striking effect and force reviewed the entire Cuban question. After a thorough discussion of it in all its features and aspects, he announces certain conclusions which he has reached. Among these conclusions is the following. I read from the President's message. Speaking of the long-protracted struggle in Cuba, he says:

The long trial has proved that the object for which Spain has waged the war can not be attained.

After stating his conclusions, the President then makes certain recommendations, some in a negative and some in an affirmative form. One of the negative recommendations is that notwith-

standing he finds and states to us that the effort of Spain to subdue and conquer the insurgents in Cuba has been futile, we shall continue to deny to the people of Cuba and also to the government established by the insurgents of Cuba a recognition of independence.

The President then proceeds to make certain affirmative recommendations. One of these affirmative recommendations is that Congress shall invest him with power—

To take measures to secure a full and final termination of hostilities between the Government of Spain and the people of Cuba, and to secure in the island the establishment of a stable government, capable of maintaining order and observing its international obligations.

The President makes other recommendations, but I do not care to refer to them in this connection.

This message, with these recommendations, was referred to the Committee on Foreign Relations. I need not say, after the reading of the very elaborate report of the Foreign Relations Committee, that it has given to this subject the most profound, careful, and exhaustive consideration. That report was prepared by our distinguished chairman [Mr. DAVIS]. I may, therefore, with propriety speak of it in words of compliment. It must be manifest to every Senator that it bears the marks of that ability which characterizes all the productions of that distinguished Senator's pen.

Together with this report, the committee has placed before us, with its favorable recommendation for adoption, a set of resolutions. Those resolutions have just been read. They declare, in the first place, that the people of the Island of Cuba are, and of right ought to be, free and independent. In their second proposition they declare that it is the duty of this Government to demand, and that this Government does hereby—demand by the passage of these resolutions—not by the action of somebody else hereafter to be taken—does hereby demand that Spain shall at once withdraw her land and naval forces from Cuba and Cuban waters.

The resolutions then go on to empower the President to employ the Army and the Navy of the United States to carry them into effect.

It will be observed, if you compare the recommendations of the President with the recommendations of the committee, that there are some differences of opinion as to what should be done, although we are in accord as to the main great purpose that is to be accomplished; for it will be observed, Mr. President, that the committee have differed from the President upon the question of recognizing the independence of the people of Cuba, and as the Senate has been advised by the minority, or rather by the supplemental report just made by the Senator from Indiana [Mr. TURPIE], a minority of that committee, consisting of five members out of eleven, have reported that in their judgment there should be added to the resolutions reported by the committee another resolution recognizing the Republic of Cuba as the true and lawful government of that island.

Mr. FRYE. Were there not 4 out of 11?

Mr. GRAY. Yes; 4 out of 11.

Mr. FORAKER. I thought there were 5. I beg your pardon. The report will show.

Mr. FRYE. There were only 4.

Mr. FORAKER. Four, is it? I thought there were 5.

Mr. CULLOM. No: the minority report is signed by the Senator from Indiana [Mr. TURPIE], the Senator from Texas [Mr. MILLS], the Senator from Virginia [Mr. DANIEL], and the Senator from Ohio [Mr. FORAKER].

Mr. FORAKER. No matter how many signed it, the minority report is there. I signed it, and I stand here to speak in behalf of that resolution so recommended by the minority of that committee, as well as to speak in favor of all the resolutions recommended by the committee unanimously.

The committee, Mr. President, in addition to this provision for recognizing the independence of the people of Cuba, have further declared that the time has come not for further negotiations but for Spain to withdraw her land and naval forces. In other words, they have differed with the President as to the form and character of that intervention.

I shall speak presently with more particularity as to the question of our right at this time to recognize the independence of the people of Cuba and to recognize the independence of that government. I want first to speak briefly of the question of intervention—

Mr. MORGAN. Will the Senator from Ohio allow me?

Mr. FORAKER. Yes.

Mr. MORGAN. I desire to call the attention of the Senator to the fact that the resolution provides that the Government of Spain shall at once relinquish its authority and government in the Island of Cuba and also withdraw its land and naval forces.

Mr. FORAKER. I thank the Senator from Alabama for calling my attention to the text of the resolution. I was not looking at the resolution, although I had it in my hand, and was not endeavoring to quote from it, but only to state the substance of it.

As I was remarking, Mr. President, I desire first to speak of the difference between the Executive and the committee, as shown by these recommendations, as to the form and character of intervention. The committee differed with the President in the first place because, in the judgment of the committee, the time had come when no further negotiations were in order. In the language of the President employed in this message, the time for action, in the judgment of the committee, had come, and the committee felt that while they had the matter under consideration they would provide for action, immediate and specific, and, as they believed, in character and keeping with the desires of the American people in respect to this matter.

In the second place, Mr. President, the committee, or at least some members of the committee, had grave doubts as to the right of Congress to confer upon the Chief Executive of the nation the conditional exercise of the war-making power. Congress alone is invested with the war-making power. The proposition of the President was that he should take effective steps, such of course as he might deem effective, and that if he should fail to secure a cessation of hostilities in Cuba, then and in that event he was authorized to employ the Army and the Navy of the United States. In other words, make war in the condition or contingency that his negotiations should fail. I, for one at least, think the committee generally doubted the legality of that proposition.

Then, Mr. President, as to the establishment of a stable government by the President of the United States in the Island of Cuba, the committee were of the opinion that there might possibly be grave doubt as to the right of Congress to empower the President

of the United States or for the Congress itself to create and establish a stable government in the Island of Cuba for the benefit of the Cuban people.

However that may be, after the committee had declared that the people of the Island of Cuba are and of right ought to be free and independent, the proposition that the President of the United States or the Congress of the United States or any other exterior power should establish for that independent people a government stable or otherwise was inconsistent.

If a people be free and independent, as we have in this first proposition declared that the people of the Island of Cuba are, they, and they alone, have power to establish their government. Independence and sovereignty go hand in hand, and any people who have independence have the capacity and the right to exercise sovereignty, and it is a denial of independence to say in the next breath after you have declared it that we will undertake, or we do hereby reserve the right and power, to establish for that independent people a government such as in our judgment and opinion may be stable.

I mention these points of difference only because it is absolutely essential to an intelligent discussion that we should know what are the issues which have been joined. Without knowing what are the questions of difference we are groping in the dark.

As I said a moment ago, I do not propose, beyond the mere statement of these grounds of differences with the Executive as to intervention, to discuss that proposition. I return therefore at once to a discussion of the question whether or not the committee is justified in recommending the recognition at this time of the independence of the people of Cuba.

Whether or not a people who have revolted and rebelled against a sovereign power and are striving for independence are entitled to be recognized as an independent state is always a question of fact as well as a question of law. Before you can tell what law is applicable to any particular case you must ascertain what the facts are. What are the facts with respect to Cuba? Fortunately in answering that question I need not long or tediously detain the Senate. Not only from the newspapers and other sources of information, but from Presidential messages, from the last one received, and especially and particularly from the very able report of the chairman of the Committee on Foreign Relations, we have been fully advised.

Moreover, the whole country and the whole world are familiar with the Cuban question. All who know the facts know that for more than three years now war has been in progress in that island—bloody, fierce, cruel, destructive war; destructive in an unusual degree both to life and property; and all the world knows, too, that from the very beginning of that struggle down to the present time Spain has been, as to all essential and important matters, uniformly unsuccessful. The President was justified when he said, in the sentence I read from his message a moment ago, that it is now manifest to all the world that the purpose of Spain to recover her lost sovereignty can never be attained.

She started out with the idea that she would crush that rebellion with a blow. In that behalf she concentrated in that devoted island practically the entire military power of the Kingdom. She had there at one time and for months more than 200,000 of her most capable soldiers, commanded by her generals who have been most successful in other fields; but it was all in vain. That tremendous army proved absolutely insufficient to conquer and subdue the

insurgents and restore peace. Finding how unavailing that kind of effort was, she then resorted to persuasion—to diplomacy.

She tendered autonomy, a new scheme of government—home rule—a scheme with respect to which the senior Senator from Maine [Mr. HALE], speaking on this floor a few weeks ago, said it was the broadest, the most liberal, the most generous charter of liberty ever tendered by any sovereignty to a dependency. Whether it was or not is immaterial; it so impressed him. But however it may be, assuming that it was so, the people of Cuba who have risen in rebellion against the sovereign power indignantly spurned and refused it. That effort to conquer them was unavailing.

Another policy has been resorted to of which I should speak—the policy of extermination, extermination by starvation, a policy so cruel, so unmerciful, so barbarous in its practices and in its results as absolutely to shock and horrify all Christendom. More than 200,000 lives have perished in Cuba as victims of that policy alone. While we sit here this afternoon deliberating, 200,000 other lives are perishing from it.

Mr. President, notwithstanding the hurling of all this great force against the insurgents in Cuba, notwithstanding this effort of diplomacy and statecraft, this promise of reforms in government, notwithstanding the murder, for it is nothing else, of hundreds of thousands of men, women, and children in that island, to which I have referred, the insurgents stand to-day more defiant, more powerful, more assured of ultimate success and more determined to do, and dare, and die, if need be, in behalf of independence than ever before since this struggle commenced. They were never so strong as now. They control absolutely more than one-half of that territory. More than 400,000 of the population of the island recognize no government except only their civil government. They have an army in the field, trained veterans they have become, numbering thirty-five or forty thousand men, well armed and well equipped, more invincible than at any time heretofore; and as an offset to that success on the part of the Cubans that which the President indicates has been occurring with respect to Spain.

Her army of more than 200,000 men has dwindled to from fifty to sixty thousand effectives, poorly disciplined and poorly drilled, and that army of aggression and offensive operations has ceased to be an offensive and aggressive army. For months it has been only an army of occupation, holding on to the fortified cities, controlling nothing in the island beyond the range of their guns, not daring to venture out beyond the walls of those cities and remain there over night for fear old Gomez would capture them and take them off into his camp.

Mr. President, in other words it is now plain to all the world, plain to Spain herself, for she has been for months, and is now by every steamer, recalling her troops from there, that she is no longer attended in her efforts to subdue that island by any reasonable expectation or hope of ultimate success. That being the case, such being the facts, what is the law of the case? I read from Hall on International Law. It is a standard and a modern authority. It has been written in the light not only of ancient but of modern precedents. I shall not stop to read all of the text.

Mr. STEWART. From what page does the Senator from Ohio intend to read?

Mr. FORAKER. Page 92. He tells us that whenever the

struggle on the part of the former sovereign becomes "so inadequate as to offer no reasonable ground for supposing that success may ultimately be obtained, it is not enough to keep alive the rights of the state, and so to prevent foreign countries from falling under an obligation to recognize as a state the community claiming to have become one."

I need not read other authorities, but I challenge any Senator who may enter into this discussion to find an authority inconsistent with the declaration which I have read, who is accepted as a standard authority among those who are competent to judge of international-law writers.

That is the rule; whenever the struggle on the part of the sovereign to recover lost authority, lost sovereignty, has ceased to be attended with a reasonable hope or expectation of success, then other countries have a right to recognize the independence of the opposing people. If I have been talking to any purpose, I have made it plain by the statement of facts I have given that no longer are the struggles of Spain in the Island of Cuba attended with any reasonable hope or expectation of success. That being true, Mr. President, according to the principles of international law we have a right, as the committee have reported, and it is our duty to recognize the independence of the people of Cuba.

But suppose something is lacking in the Cuban case to justify us in claiming that they are absolutely free and independent, will not that which may be lacking, whatever it may be, be supplied when the United States of America intervenes, as we propose to do by this same resolution? Intervention goes here, according to this resolution, as it does naturally, hand in hand with independence. When this demand which we all agree is to be made, that Spain shall withdraw, is made upon her, that minute she must either abdicate, which would leave the island free and independent to the satisfaction, I imagine, of the most hostile mind to the recognition of independence, or else, if she does not abdicate, she must then give battle—declare war; and what American can doubt, or does doubt, the ultimate result of war, if we are so unfortunate as to have war?

Will it not result in the absolute freedom and independence of the people of the Island of Cuba? Unquestionably so; for we expect to prosecute a war to triumphant success, if we are driven into one.

So, therefore, I say, upon authority, in strict consonance with the rules and principles of international law, it is the duty of the Government of the United States, as well as the right and privilege of this Government, now, at this very moment, when we pass a resolution to intervene, to recognize the independence of the people of that island.

Mr. President, I now wish to speak of the resolution which the minority of the committee favor. The minority of the committee are not satisfied simply to recognize the independence of the people of that island. We want to recognize also, and we appeal to Senators in this Chamber to stand by us in that proposition, the government set up by the insurgents, referred to by the President in his message as the "so-called" Cuban Republic.

We think this government ought to be recognized in the first place because if the people of Cuba are free and independent, as we have agreed unanimously in the committee they are, who made them free and independent? Did they become free and independent acting as a mob? exerting themselves in a state of anarchy?

without any political organization? No! Such wonderful achievements as stand to their credit we all know could not have been accomplished without concert of action, without political organization, and they had it in the Republic of Cuba. That was their civil government, to which the military force commanded by Gomez is subordinate.

Mr. President, there are a great many other reasons why we should recognize that government. I hope I shall be able to mention a number of them.

We ought to be willing to recognize it because of its form and character. It is a republican form of government. It is a government based on a written constitution, in which the several departments of the government are established and the powers of the various departments and officials are prescribed. It has a legislative, an executive, and a judicial department. The legislative branch of the government is elected by popular vote. In Cuba, under this constitution, they have universal suffrage. Every man or woman who owes allegiance to the Cuban Government has a right to go to the ballot box and be heard in determining what the government shall be as to the personnel of its officials. The house of representatives, elected by the people in this manner, selects the president and vice-president and the cabinet; and what character of government have they selected? Let me call your attention for a moment to the character of these officials.

I have heard that government referred to here as though it were made up of a lot of inconsequential nobodies. I say, without attempting to disparage anybody, the president and vice-president of the Cuban Republic, for intellectual strength and power and vigor, for high character, for unquestioned ability, for statesmanship, will compare favorably with the President and Vice-President of the United States of America. Than Bartolome Masó there is no more accomplished gentleman, probably, on the Western Hemisphere; a man of large means, a man of large experience in public affairs, a man who—and I mention this to show his character—when the war broke out called in all his creditors and paid every one of them in cash the full sum owing, then turned over the keys to his tenants and departed for the field. He is now president of that republic, after having served two years as vice-president under Cisneros, recently elected as such by the general assembly chosen by popular vote.

With this distinguished president is associated in office as vice-president Dr. Domingo Mendez Capote, who was professor of law in the Havana University for years before called to this position. I have taken pains to find out about these people. They are men of distinguished reputation, men of high character, men of great learning and ability; and the secretaries, if it was worth while to take the time to pass them in review, would be shown to be men of the same general class and reputation and character. So much for the personnel of the Cuban Republic.

Mr. President, what has this Government done? I said a while ago if the people of Cuba are free and independent it is because this Government has acted as their political agency in guiding and directing them to that freedom and independence. It has been stated here that it is a paper government. That is true; but it is a most excellent paper government: it is a most excellent actual government as well. Not only are all the officers elected in the manner I have indicated, but they are all in office and all serving acceptably and efficiently in the discharge of their duties.

We have taken a great deal of testimony before our committee in regard to this matter, but all we have taken in that way has been spread before the public, and it should be known to Senators.

It is shown by that testimony that they have in the Island of Cuba, instituted by this paper government, a postal system which is carrying the mails to-day throughout the island into every fortified city, as well as throughout the territorial parts of the island. You can go to New York and deposit with the junta a letter addressed to anybody, in any place in Cuba, with a Cuban postage stamp attached, and it will find its destination just as surely as a letter deposited in a United States post-office will reach its destination within our territory. They not only have a postal system, but they have a fiscal system—a fiscal system which has provided tax collectors for the government throughout all that island.

The island is divided into districts and subdistricts, with a collector in each, who is authorized to collect not indiscriminately, as the enemies of the Republic of Cuba would have you believe, but according to law duly enacted, in accordance with a uniform system prescribed for all who live in that island. Each and every man is required to pay precisely alike, and when the subtreasurer of that government appointed at New York was before the committee a few days ago he showed us in his books where more than \$470,000 collected by these tax collectors throughout that island had been transmitted to him as revenues of that government, every dollar of which had been collected by the officials of the Republic of Cuba, and for every dollar of which an official receipt had been given.

They have, in addition to their postal and fiscal system, a school system more creditable than any established by Spain in any place in the world. They have a compulsory system of education. Every child between certain ages is required to attend school. They have a public printing press at their capital (of which I will speak in a moment), where, by the government, school books are printed, and by the government distributed to the scholars throughout the island. All are educated according to a system of the government, a system established and conducted by the government and the representatives of the government.

Ah, but, some one says, it has no fixed capital and no seaport. There are a great many countries that have no seaports. That is of no consequence. Switzerland has not any seaport, and one or two of the South American republics, I believe, have no seaports. Other countries have been recognized as independent states when they had no seaports. That is immaterial.

The Cubans do have a fixed capital. It is located at Cubitas. It has to be at times somewhat peripatetic, going from this to that place, but never removing any very great distance. They have stayed all the while within that one territorial subdistrict where the capital is, at Agramonte, in Cubitas, where it is located now and has been for some considerable time. They have public offices, the Presidential office, the office for each of the secretaries of state, as they are called there. Although there is a secretary of the treasury and a secretary of agriculture, etc., they are all called secretaries of state, each for his own particular department.

They have these offices, which are occupied only for official purposes. In those offices the business of the Republic is conducted. There, in those offices, the archives of the nation are preserved, and I can say here, in passing, that although they have never been made public, some day when they will be made public, when Cuba

has been made free, you will find in the archives of our country, in the office of our own Secretary of State, are the official communications of the officials of the Republic of Cuba, and they are as creditable as any that have come from any country on the globe—communications of marked ability.

But, Mr. President, there are other reasons why that Government, which I have undertaken to show does in fact exist, should be recognized. We should recognize it, if for nothing else, as a war measure. I do not doubt that intervention by the United States will mean war with Spain. We are bound to assume that it will. That being the case, we should, hand in hand with intervention, adopt this other resolution, recognizing not only the people but the Government also as independent, to the end that we may strengthen those who are our natural allies and who can do more for us than anybody else.

Gomez has now in the field, as I said a while ago, some 35,000 or 40,000 men. He would have many thousands more if he had guns and ammunition for them. The very moment the United States intervenes and recognizes the independence of that republic Gomez can swell that army from 35,000 or 40,000 to 50,000, 60,000, 80,000, 100,000 men, and all we will have to do is to put guns and ammunition in their hands and they will speedily evict the Spanish battalions from the Island of Cuba. If we will only with our Navy blockade the harbors, so that they can take no more provisions in, the Cubans will speedily put an end to the war, and there will be no necessity for this Government to expose our troops to the ravages of yellow fever and the other difficulties and disadvantages that would attend a campaign in that island in the rainy season.

But, Mr. President, there is another reason still why this proposition should be incorporated into these resolutions. It is the reason why, in the original draft of the resolutions, I incorporated it. I put in there, and propose to put it back in there if I can, a declaration that the Republic of Cuba should be at once recognized by the Government of the United States because of the legal effect that would result if we did not do that. I hold that it is well settled as a principle of international law that if one country absorb another it takes not only the legal rights and advantages of that country but it takes also the obligations of that country. We have all been told by the newspapers and otherwise—I have never seen any contradiction of it, and therefore I have assumed that it is true—that the revenues of Cuba have been, by solemn enactment of the Spanish Government, pledged to the payment of the principal and interest of \$400,000,000 of Spanish-Cuban 4 per cent bonds.

Mr. President, what will be the consequence to this Government if we go down into that island treating them as in a state of anarchy, turning our back on Gomez and his government, denying that there is any government, banishing Spain from the island, taking possession of the territory, and appropriating the revenues either to ourselves or to "a stable" government that the United States of America through the President is to establish in that island? What would be the consequence? We would take the rights and privileges and advantages attaching to the territory and we would take the debts fastened on it also, just as if you buy a piece of property that is mortgaged, you take it subject to the mortgage and must pay the mortgage or lose your property. That

is the legal proposition that I assert. I am not going to stop here to read authorities, but I will do so, if it should be challenged.

Mr. ELKINS. Will the Senator from Ohio allow a question?

Mr. FORAKER. Certainly.

Mr. ELKINS. If Gomez takes the island, what will become of the mortgage?

Mr. FORAKER. It does not make any difference to us what happens if Gomez takes it; but I will tell you what will happen. If Gomez takes the island by revolution, the whole obligation is wiped out, for those who successfully revolutionize start anew, as revolutionists have started anew from the beginning of the world, except only as to obligations which they themselves might create.

Mr. ELKINS. Let me ask the Senator one further question. If we should take the island by war, would not those obligations be wiped out as well?

Mr. FORAKER. Do you want to take the island by war?

Mr. ELKINS. That is not the question.

Mr. FORAKER. It is the question that I put. Why do you ask me to discuss propositions not involved in this debate? It is because, in my judgment, this intervention is to be deliberately turned from intervention on the ground of humanity into an aggressive conquest of territory.

Mr. ELKINS. That does not answer the question.

Mr. FORAKER. I do not care. I am not going to answer it now. I am not going to answer it because it does not belong in this case. I can not discuss every kind of a question that a Senator by an interrogatory may seek to put before me, especially not when in the very next breath he will refuse or at least evade to say whether he wants this Government to acquire that island by conquest or not.

I say here as a principle of international law, if the United States Government goes down there and drives Spain out and puts somebody else in, forming "a stable government" of her making, that "stable government" will become responsible, and the United States of America will become responsible. I will answer you further now. You would not answer me. I thought probably if I dallied with you a while you would. If the United States of America takes that island by intermeddling, as writers on international law call it, with the affairs of another, she, too, will become responsible, and what is the consequence? The United States of America steps in behind four hundred million of Spanish-Cuban 4 per cent bonds. You do not admit the proposition. It is possible that it is open to some debate. I will concede for the sake of the argument it is. But who holds these \$400,000,000 of bonds? I understand they are held largely in Germany, largely in France, and largely in the United States.

Does anybody imagine, Mr. President, if we should go into Cuba and there establish a stable government for which we would be responsible, that the present Emperor of Germany would hesitate one moment to say to the people of the United States, "You have taken by conquest the revenues that Spain had a right to pledge and did pledge to pay the principal and interest of bonds due to my subjects, and I will now look to you?" Does anybody doubt that he would do it? No; nobody does who judges without bias, I feel free to assert. And if Spain and France would make such a demand on the United States, the distinguished Senator

from West Virginia, I imagine, would be one of the first to say, "We ought to pay up rather than have any fighting."

Mr. ELKINS. I do not think it is fair to put a question to me and not allow me to answer it.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). Does the Senator from Ohio yield to the Senator from West Virginia?

Mr. FORAKER. Certainly.

Mr. ELKINS. I say to the Senator that I would not. There is no soundness in his proposition. There is no authority in the world, and I challenge the Senator to show anything that gives authority, to support his proposition in law—any legal authority.

Mr. FORAKER. I have a very good one right here.

Mr. ELKINS. Read it.

Mr. FORAKER. And I can give you a great many other authorities as they have been given by writers on the subject of international law, for there is not one, from Grotius down to Lawrence, who does not assert that doctrine. Hall says, at page 105:

When a State ceases to exist by absorption in another State, the latter in the same way is the inheritor of all local rights, obligations, and property.

The whole State is not here absorbed, but that which is to be absorbed is that which is subject to the lien.

I might cite you many more authorities if I had thought it worth while to bring them here and tax the patience of the Senate with them.

Mr. ELKINS. That does not answer the question.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from West Virginia?

Mr. FORAKER. I am always glad to hear from the Senator from West Virginia, for he is so very good-natured. But, Mr. President, to go back to what I was discussing, I was just about saying, suppose, for the sake of the argument, the Senator from West Virginia is right to the extent that it is a debatable proposition, we must consider this as a practical as well as a theoretical question. Treating it as a practical question, do you suppose that the rulers of Germany, France, and other countries whose subjects are interested as holders of these bonds would hesitate to call us to account? I do not hesitate to say they would. I do not hesitate to believe they would; and then we would have other and far more serious complications. I want to avoid them.

If we recognize the independence of the Republic of Cuba, that liability is avoided. We absolutely estop everybody from making such a demand upon us; we take no responsibility. Those people, according to our resolutions, have already accomplished their independence without any help from this country, but rather in spite of all this country has done to patrol our coasts in the interests of Spain. They are already in a situation where they can set up their government, and all we do in going there is to recognize the existence of that government and act with our natural allies.

Ah, but says somebody, when you go there, if you recognize the existence of that government, you are compelled to report to Gomez, and there will be a question at once between General Miles and General Gomez as to who should command. If there be any government in the Island of Cuba to-day, it is either the Spanish Government or it is the Republic of Cuba, and when General Miles goes to Cuba I would rather have him report to General Gomez than to General Blanco.

Mr. President, for all these reasons, which I am conscious I have most imperfectly advanced, I believe that it is the duty of the United States Government this very day, not only to intervene, but at the same time to recognize the independence of the people of that island and the independence of the government which the Cubans have established.

I for one say to you frankly I would be ashamed to see the United States recognizing the independence of the people of Cuba and in the same resolution turning their backs upon heroic, grand old Gomez and his compatriots. For my part my voice is against any such proposition.

Mr. President, I have not at any time had any trouble in my mind about independence and intervention, but I have had this kind of a trouble in my mind: The trouble has been whether it should be independence and intervention or independence and a declaration of war outright. I think, logically speaking, it ought to be a declaration of war, and I would be standing here arguing for such a declaration if I were not of the opinion that armed intervention will give us an opportunity to suitably punish Spain for the destruction of the *Maine* and 266 of our officers and sailors. [Applause in the galleries.]

The PRESIDING OFFICER. Order must be observed in the galleries or they will be cleared.

Mr. FORAKER. We have been told, Mr. President, that the board of inquiry appointed by our Government by its report has estopped us from such a declaration. I dispute it. It is true that the board of inquiry found that they could not tell what person or persons were responsible for that disaster, but the context shows that in that connection they had reference only to the question what person or persons pressed the button that sent the electric current on its fateful mission; and that, Mr. President, is immaterial in the light of the other facts unequivocally found by that board of inquiry.

That board of inquiry has officially found—and it is a most conservative report throughout; as the President well says in his message, all Americans have absolute confidence in the truthfulness of it—that board of inquiry found that our ship went into that harbor on a friendly mission; that the Spanish authorities were advised in advance of her coming; that she was coming not for warlike purposes, but only on a mission of peace, to cultivate better relations with Spain—a courteous visit in recognition of the friendly relations, of which we have heard so much, between Spain and this country. The court further find that when our ship reached the entrance to the harbor she was taken in charge by a Spanish official—the harbor pilot—and by him towed to buoy No. 4 and there made fast, and there stationed during her stay in that harbor, and that while she was there stationed she was destroyed by a submarine mine. That is the finding.

What, Mr. President, is a submarine mine? Did any Senator ever hear of any private individual having submarine mines on sale, or of any private individual handling submarine mines, especially in a territory where war is present? And does not every Senator know that under the laws then in force in Havana, by the edict of Weyler issued on the 16th day of February, 1896, no private individual could have in his possession any kind of an explosive, not even a pound of gunpowder, without being liable to the death penalty? Do you imagine that any private individuals, with

that kind of a law in force there, were engaged in handling submarine mines?

No, it is an absolute absurdity, it seems to me, for us to imagine that the submarine mine that destroyed the battle ship *Maine* was anything else than a governmental implement and agency of war. Suppose, for illustration, instead of that ship being destroyed by a submarine mine, as she was, she had been sunk by a shot fired from Morro Castle, under the guns of which she was buoyed. Would any Senator in such instance imagine that there could be any question about that piece of artillery being a governmental agency and implement of war? Would anybody stand up and question that it was a governmental agency under the control of government officials, and that the Spanish Government could be held liable by us for the result of the discharge of that gun as a hostile act of war?

Mr. President, the gun was not any more a governmental agency than this mine was. The gun was not any more under the control of the Government than this mine was. The gun was not any more subject to governmental control and to be discharged by governmental agencies than was this mine.

But if it had been the case of a discharge from a gun, what would Spain have done? Why, the whole world would have recognized that we were bound to assume that it was an act of war. Spain would have recognized it. How could she have escaped from the consequences? Only in one way, and then she would have remained liable for all damages that occurred. She could have escaped from the conclusion that it was an act of war by immediately disavowing and immediately establishing by incontrovertible proof that it was an accident, if such a thing were possible.

Mr. President, the same rule that would apply in the case of the gun does apply, and did apply, in this instance. And, Mr. President, the significant thing is that Spain admitted by her conduct that it applied. What did Spain do? Instantly she disavowed, just as she would have done in the case of the gun, and instantly sought to establish her innocence by proving that it was an accident.

No wonder, Mr. President, that she seized upon the theory that it was an accident when our own Government was everywhere proclaiming that it was an accident. She sought to establish that it was an accident; she pitched her defense on that proposition; she took her testimony; she made an official report. It is before the Senate. She finds in that report that the *Maine* was destroyed, not by an external agency, but by an accident, by the explosion of one of her magazines.

Mr. President, that report is a lie to the living and a libel upon the dead. It is on its face absolutely and conclusively false. There is one circumstance that will forever keep it branded as such, as it now is, and that is the fact that the keel plates of that ship after the explosion were found 34 feet above where they should have been found as the ship rests on the bottom of that harbor if there had been no explosion, and the bottom plates of the ship are bent upward like an inverted V, like my hand is [illustrating]. Do you think an explosion from within would have bent the keel plates upward, would have drawn them up through the decks on that ship a distance of 34 feet, and would have bent them in that manner? No; you can not think that until the laws of nature have been changed. They have not been changed yet. They were still in operation then.

Now, what is the effect of this fact? Spain recognized that she must make a defense. She chose to call it an accident; she so reported. This one fact—the present condition of the keel plates—absolutely wrecks and destroys her whole defense as completely as the *Maine* was destroyed by her submarine mine. What is the result? The result of it is that Spain stands to-day convicted by her own effort at defense, convicted in the presence of the nations of the earth, of that hideous and cowardly crime.

What is our duty in view of it? Mr. President, we owe it to the brave men dead to vindicate their reputations from the brutal charge that they died of their own negligence. We owe it, Mr. President, to the splendid record of the American Navy to preserve it from the tarnish that is sought to be put upon it. We owe it, Mr. President, to our own good name among the nations of the earth that the perpetrators of such a cruel outrage shall not go unwhipped of justice.

No nation can afford to pass by such an affront as that in silence. This is not a case for the application of the Scriptural injunction about the turning of the other cheek, but it is a case, Mr. President, for the application of that other Scriptural injunction, "An eye for an eye, and a tooth for a tooth."

It is not morality, it is not Christianity, it is not religion, it is not common decency, it is not common sense, but only a maudlin sentimentality to talk in the presence of such circumstances and facts about the horrors of war. War is horrible, always to be deplored, and ever to be avoided if it can be avoided consistently with the dignity and the honor and the good name of the nation. But, Mr. President, much as war is to be deplored, it is a thousand times better to have it in a case like this than to be written down before all the nations of the earth as pusillanimous—as wanting in pluck and courage.

Yes, Mr. President, business interests may be interfered with, loss of life may occur, all apprehended evils may result, but no matter what the cost, in the presence of this great commanding duty we must go forward. The time, I repeat, for diplomacy has passed. The time for action has come. Let the doubting, the hesitating, the opposing, go to the rear, while the virile, strong-minded, patriotic, liberty-loving masses of the American people, coming from all the sections and all pursuits and avocations of life, rally as one man around our gallant Army and Navy, and taking the flag of our country carry it on to triumphant victory. [Applause in the galleries.]

A victory, Mr. President, for civilization over barbarism; a victory for the right and capacity of man to govern himself; a victory for the Western Hemisphere; a victory for Cuba; a victory for freedom and liberty and independence; a victory worthy of the descendants of the heroic men who achieved our own independence, and worthy of the successors of those heroic men who have since preserved and perpetuated our priceless heritage. [Applause in the galleries.]

Cuban Affairs.

SPEECH

OF

HON. JOSEPH B. FORAKER,

OF OHIO,

IN THE SENATE OF THE UNITED STATES,

Wednesday, April 20, 1898.

CUBAN AFFAIRS.

Mr. FORAKER. Will the Senator from Colorado allow me to interrupt him a moment?

Mr. TELLER. Certainly.

Mr. FORAKER. I do not want to engage in this debate, but in view of the fact that I insisted as earnestly as I could upon the recognition of the Republic of Cuba, I wish to call attention in this connection to what was said in the Senate on the 28th of February, 1896, by the present Secretary of State, Mr. Sherman, who was then a Senator from Ohio. He said:

The objection has been made, not in debate here, but in the public press, that the Cubans have no organized government; that they have no local habitation and name; that they have no legislative powers; that there is nobody elected to make laws. That is absolutely untrue. Here in this little pamphlet—

Which I see, by referring to a previous part of his speech, was something that had been published in relation to the conditions in Cuba—

are the proceedings of the government of Cuba and of the people of Cuba in organizing the government. Here is a statement of the growth of the revolution, of the battles and campaigns, and contemporaneous with these movements the preliminary organization of local self-government as constituted.

Sir, much to my surprise, because I took up the general idea that those people, in the first instance, were merely a band of discontents, having no organization, with whom we could not deal, it is shown by this official document, communicated to the Secretary of State, that they have gone through all the formulæ of self-government as fully and completely as the people of the United States did at the beginning of the Revolution.

This little document shows the organization of the legislature, the military organization, the election of a president, M. Cisneros, a man of high character, of conceded ability, a man of property and standing, who also, I believe, took a prominent active part in the revolution of 1868 to 1878, besides being eminent in civil life.

Here are rules for the regulation of the army. Here are stipulations made as to the treatment of prisoners, how they shall be dealt with, and it is a remarkable fact that in all the battles fought by these wandering "robbers and bandits," as they have been called, whenever they captured a soldier of the Spanish army they released him and allowed him to return to his command. This humane and generous treatment is far different from the universal custom of the Spanish troops when one of the rebels is taken. He is sent to a prison in Africa by the Spanish troops or is treated harshly and in some cases

murdered. These are poor men; the army is composed of native Cubans and men some of whom have been freed from slavery, black people, but they have shown no signs of being guilty of the barbarous atrocity of which I shall have to speak hereafter, I am afraid injudiciously.

That is as far as I care to read. The part to which I wanted to call attention, particularly, was the statement made by Mr. Sherman two years ago in the Senate that he had been surprised, as I was surprised, when he came to investigate, to find that they had a government thoroughly organized and in successful operation. If that was true two years ago, and unquestionably it was, and if it be true, as it unquestionably is, that from that day until this that government, with its army, has withstood the combined assaults of Spain upon it, it is a government which we have a right to recognize according to all the principles of international law, for it is not only standing as it then stood in defiance of the power of Spain, but now it can be said, as it was not said and could not be said then, that Spain has ceased to be attended in her efforts to conquer those people with any reasonable hope or expectation of success. That is said; it is said by the President of the United States in the message which he sent us.

It was because two years ago the truth was, as Mr. Sherman stated it in the speech from which I have read, and because from that day until this that truth has been made more and more strong, that I felt in dealing with this question at this time we had a right to recognize that government, and that it was our duty to recognize that government. I think it was unfortunate that we did not recognize it, but it may not be as unfortunate as I imagined, for I think quickly, speedily, possibly even now, on the very day when the ultimatum has been sent to Spain pursuant to the resolutions that passed here, this Government has practically recognized the Republic of Cuba, and I think possibly it is true—we will all know it by to-morrow morning—that that government is to-day being officially dealt with by the official representatives of this Government, as it should be.

Mr. HOAR (in his seat). That has probably happened.

Mr. FORAKER. The Senator from Massachusetts made a remark which I did not hear.

Mr. HOAR. I beg the Senator's pardon; I did not intend to interrupt him. I exclaimed what was simply in my mind, without being conscious myself that I spoke. What I said was what the Senator is now saying and what I said some time ago would probably happen.

Mr. FORAKER. Yes; I have no doubt the Senator predicted this, for he has been talking along this line, as I recollect, at various times. The only difference between the Senator and myself was as to when the recognition should come.

Mr. HOAR. And as to the question of constitutional power.

Mr. FORAKER. I have no trouble about constitutional power. I want to say to the Senator with respect to that question that every time he refers to it he talks about it as though it was a settled and established fact beyond all controversy that recognition is exclusively an Executive function.

Mr. HOAR. The Senator will pardon me. He said the only difference between him and me was what he stated, to which I added, "and the question of constitutional power," on which we also differed. I did not mean to make any affirmation about it except to state the fact of our difference.

Mr. FORAKER. There is that additional difference. I think I have perhaps said heretofore in the Senate, and I want to say again, that I do not at all agree with the Senator from Massachusetts that the recognition of either independence or belligerency is an exclusively Executive function. I want to say further that every time that question has been raised here in Congress, and it has been raised repeatedly, Congress has always contended that it had a right to participate at least with the Executive in all questions determining our foreign policy, including questions of recognition of belligerency and recognition of independence.

But if the Senator from Colorado will pardon me just one minute further, I wish to say a word in answer to the suggestion of the Senator from Massachusetts [Mr. HOAR] the other evening that the proposition to recognize the independence of the Cuban Government had been as he thought injected into this debate merely for purposes of discord. I do not think the Senator could have been very deliberate in his consideration of this subject when he made that statement. I perhaps have a special right to answer that question in view of the fact that I introduced that proposition in the resolutions which I offered in the Senate, and which have now in substance, except as to one proposition, been adopted.

The resolutions that I introduced contained four propositions. One was that the people of the Island of Cuba are free and independent. That has been adopted. Another was that this Government should recognize the Republic of Cuba as the true and lawful government of that island. The third was that by reason of the character of that war, in its results upon our commerce and because of the humanitarian question involved, it was the duty of this Government to demand that Spain should at once abandon the island. The fourth proposition was that the President should be authorized and directed to carry these resolutions into effect. Three of these propositions have been accepted. The one in regard to the recognition of the republic was stricken out in the way all are familiar with. I had no thought of discord when I introduced that proposition. I was familiar with this record. I supposed it was a conceded fact that they had at least a de facto government in the Island of Cuba known as the Republic of Cuba.

The PRESIDING OFFICER. The Senator from Ohio will suspend for a moment. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

Mr. MILLS. I ask unanimous consent that the unfinished business may be laid aside informally.

The PRESIDING OFFICER. The Senator from Texas will allow the Chair to have the unfinished business stated.

Mr. MILLS. Certainly.

The SECRETARY. A bill (S. 2680) amending "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Ohio will proceed.

Mr. FORAKER. Mr. President, I have only a word or two more to say. I supposed it was a conceded fact, conceded by everybody, that there was such a government as the Republic of Cuba. I supposed all were familiar with this record, and I sup-

posed surely it was a conceded fact on the part of the Administration, the present Administration, when the present Secretary of State acting here as a Senator had employed the language which I have quoted.

Furthermore, as an answer to the suggestion that this proposition was introduced for purposes of discord, I will state that before the proposition was introduced here I talked with the President in regard to it. I showed him the resolution, and while he had some concern as to the form of it, I did not understand that he had any objection to it on principle. With me it was only a question as to the particular time when that resolution or something else like it should be introduced. Events came quickly, one thing following after another, and it seemed to me after the *Maine* report was in that the way was clear for some action to be taken, and that that was an appropriate time to introduce the resolution, and I introduced it.

That resolution was introduced at a time when it was being given out through the press, and I suppose it was at least a semi-official announcement, that the President had notified Spain as a condition precedent to everything else which might be agreed upon that there should be on the part of Spain a recognition of the absolute independence of the people of the Island of Cuba. That was given out, I supposed, with authority. We were made to understand in our committee that that condition precedent had been made, and I had no idea that in introducing my resolutions I was not in harmony with at least the general purposes of the Administration with respect to this question. And so it was I had no thought or purpose to create any discord, but was only intending and purposing to discharge, according to my conviction, what I conceived to be a very grave, important, and responsible duty.

That resolution was introduced, injecting that proposition into this controversy, I do not recall now how many days, but a week or ten days before the President's message came in. I supposed that when we received the President's message we would be advised that a recognition on the part of Spain of the independence of Cuba had been insisted upon. I was forced to conclude when the message was read that that demand had not been made; otherwise surely the President would have made some mention of it.

A day or two later, however, I saw in a newspaper what I understood to be a semi-official statement that such a telegram had been prepared, and that after it had left the hands of the President, upon being revised by the Attorney-General, he had taken the liberty to strike out the word "independent" and insert in lieu of it the word "stable." But even that statement showed that the recognition of an independent government there was in harmony with the ideas of the President. The Senator from Nebraska [Mr. THURSTON] has just now kindly handed me the newspaper article to which I have referred, and I will read it in order that it may appear in the RECORD in connection with the remarks I have just been making. It is taken from the Washington Post. It is entitled "Why independence was omitted."

It became known yesterday why independence was omitted from the message. When President McKinley first made his propositions to the Spanish Government, he announced that the war must cease in Cuba and an independent government be established. This dispatch was changed by Attorney-General Griggs to read "stable government," which, it was claimed, was the diplomatic phrase for the independence desired. When Minister Woodford submitted that dispatch to the Spanish prime minister, he was asked if "stable government" meant independent government, and at once

replied in the negative, assuring Señor Sagasta that the United States looked only to a system of self government like the Canadians enjoy.

Afterwards, believing that he might have made a mistake, Mr. Woodford cabled the President as to the intention of this Government, and was promptly informed that the word "stable" must be interpreted "independent." As all suggestions for independence had caused much indignation and resistance on the part of the Spanish Government, Minister Woodford feared to make his demand, and, as a matter of fact, the ultimatum for independence was never officially laid before Spain, Mr. Woodford believing that it would be a constant irritation and menace in what might follow. He repeatedly suggested it to Señor Sagasta in private as being the view of the President, but as it had never been submitted in writing, the President had to omit it from the message. This is the explanation semiofficially made of the President's message.

Mr. CHANDLER. Mr. President, may I ask the Senator from Ohio a question?

Mr. FORAKER. Certainly.

Mr. CHANDLER. He having read the newspaper statement as to this diplomatic correspondence, I ask him whether the Committee on Foreign Relations, before it made its report to the Senate recommending the resolutions which have passed, knew what the diplomatic correspondence actually was, or were the members of the committee obliged to take it from a newspaper; and did they take it from the newspaper slip which the Senator from Nebraska has just handed to the Senator from Ohio to refresh his recollection as to what the diplomatic correspondence was?

Mr. FORAKER. Answering the Senator from New Hampshire, I will state that the Committee on Foreign Relations has never been advised as to what the diplomatic correspondence is, except only a statement has been generally made of the character I have already stated, that the demand of this Government was a recognition on the part of Spain of the independence of Cuba.

Mr. ALLISON (in his seat). That demand was made.

Mr. LINDSAY. Mr. President—

Mr. TILLMAN. May I ask the Senator from Ohio a question?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Kentucky?

Mr. FORAKER. I want the statement just made by the Senator from Iowa [Mr. ALLISON] first to go upon the record. I understand the Senator from Iowa to say now that the demand was made, but, if he will pardon me, I would rather he would make it in his own way.

Mr. ALLISON. Although I have no authority to say so, as I have not conversed with anybody who has heard it stated, I understand there is no question of the fact that that demand was made of Spain; that it was sent to the Spanish Government and a copy of it was sent to the Spanish minister in this city.

Mr. HALE. That is, that the intervention of the President should be to the end that an independent government should be established; not that the so-called government of the insurgents should be recognized, but that the intervention of this Government should be to the end that an independent government should be established. I suppose the Senator does not think that the demand was put in the form of Spain being required to recognize the insurgent government.

Mr. PASCO. I wish to suggest to the Senator from Iowa to be a little more clear in stating just exactly what that demand was, because his language is indefinite.

Mr. ALLISON. One can not be very clear when he is giving hearsay evidence. Therefore I only intimated to the Senator

from Ohio that I had learned from sources which I considered reliable that in the course of this correspondence the President did say to the Spanish Government that there must be an independent government in Cuba; and that demand was submitted not only to the Spanish Government in Madrid, but a copy of it was sent to the minister here. Perhaps I ought not to say this in public debate, but so understanding the fact, I did say so to the Senator from Ohio in my seat. As I do not speak in this matter except, as I state, from hearsay, I can be no more definite in my statement than I have been.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. TILLMAN. I should like to ask the Senator from Iowa or the Senator from Maine, or anyone else here who is expected to be the mouthpiece of the Administration on this subject, to answer this question: Is it the rule of the President to allow the Attorney-General to change a word in his dispatch to a foreign government without his consent, and is it the rule of the ministers sent abroad by the United States to refuse to deliver the dispatches that are sent to them?

Mr. HALE. I do not consider this to be a very important controversy just now; I do not think the Senator from Ohio does.

Mr. FORAKER. No; I do not, so far as the matter itself is concerned.

Mr. HALE. It is not claimed by anybody, whatever the dispatch was, that it originally was intended to be a recognition of the so-called government of the insurgents, but it was a proposition that this country would intervene to the end that there should be in Cuba a free and independent government.

Mr. TILLMAN. From whom does the Senator from Maine get that? Out of the air?

The PRESIDING OFFICER. Senators will please address the Chair.

Mr. HALE. The Senator from Ohio has followed this matter very closely. I do not suppose the Committee on Foreign Relations claims that that original dispatch, before it was at all altered, if altered by the Attorney-General, covered the proposition that Spain was to recognize that particular government, but that we should establish there a free and independent government.

Mr. FORAKER. Mr. President, I never heard of the proposition that we were to establish any kind of a government in Cuba until we got the message of the President. What I heard, what we all heard, in so far as I have any information, was this: That the President was diplomatically negotiating through our minister, Woodford, with the Government of Spain, and that in the course of those negotiations he had instructed the minister to make certain demands, and that he had made a condition precedent to everything else the absolute recognition of the independence of the people of Cuba. That is the way it came to me. I have not seen the correspondence; I do not know what it would disclose. We would be glad to see it if we could.

Mr. LINDSAY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Kentucky?

Mr. FORAKER. If the Senator will pardon me just a moment until I add another sentence, I will state why I have dwelt upon

it. I want to make it appear, by snowing these facts, that at the time when this proposition was incorporated in these resolutions, and when they were subsequently insisted upon, there was no thought thereby of creating any discord. On the contrary, we thought we were doing exactly what it would be the purpose of this Government to do, for I will confess frankly that it never occurred to me that if we were to recognize the independence of the people of Cuba, we would deny recognition to that political organization under the direction and control of which that independence had been achieved. I supposed the republic would be recognized, as a matter of course, if we declared that the people of the island were free and independent, and it was not an idle purpose we had in putting that into the resolutions.

The reason may not have been valid for it, but my idea was a very simple one. I thought if we recognized the independence of the people of Cuba, as we do in the first paragraph, and I thought we were entitled to do it, according to the principles of international law applicable, we thereby at once changed the legal status of the people of Cuba from that of subjects of Spain to inhabitants of that island. That was highly important if we were to have war, for when we make war on Spain we make war on all her subjects everywhere. I am sure I did not want to make war on the Cubans, even technically. Then I had this further purpose. When I drafted the resolution and put the second proposition in, that we would recognize the Republic of Cuba as the true and lawful government of the island, it occurred to me, as I undertook to set forth in the remarks I made the other day, that if we went down there and intermeddled, to use an international law term, in the affairs of another people, and drove the Spanish Government out and set up a government of our own, and failed to recognize the government that was there, we at least ran a serious risk of being liable for the debts for which the revenues of that island have been pledged.

I have never seen the form of that pledge; I have never seen the legislation whereby those revenues were pledged; I have been unable to get it, although I have tried to get it. Therefore I do not know what the exact facts are, but I have seen it stated over and over again, without any contradiction, that by the Kingdom of Spain the revenues from the Island of Cuba have been pledged to the payment of a certain indebtedness, at least the interest. It seemed to me that we ran a risk of becoming liable for that indebtedness, and it not occurring to me that there was any objection upon principle to the recognition of the Republic of Cuba, but it occurring to me that by that recognition we could shut the door against that possible liability, I thought it was wise to insert that proposition. That is all there was of it, and all this talk which has since arisen about a combination between Democrats and certain Republicans at the instigation of Mr. Bryan is entirely without any foundation, so far as I am aware.

I have never had the good fortune to so much as even see Mr. Bryan. I never saw him to know him, at least. I have no acquaintance with him. I never had any communication with him directly or indirectly on this subject or any other.

I have acted in this matter, Mr. President, from the beginning without a thought that partisan politics would at any stage become a feature of the controversy. I have felt that it was not a political question. It is a question, it is true, with respect to which politi-

cal parties have made declarations; but the true interpretation of the declarations which have been made in the party platforms would make them all mean practically one and the same thing.

Therefore, in dealing with the subject, I have had no thought with respect to any of my colleagues to stop and consider and inquire whether they were Populists, Democrats, or Republicans. I have felt this was a great national question, a great international question, a question in dealing with which we should remember, not that we are Democrats or Populists, or Free Silver Republicans, or stalwart and unqualified Republicans, but only that we are Americans—Americans all.

I have sought to deal with the matter in that spirit. I intend to go on dealing with it in that spirit. I have no feeling of hostility toward anybody who has a duty to discharge with respect to it. The duties of the President have been of the most serious and grave character. I think he has in the discharge of them undertaken, according to his best judgment, to do his whole duty. He may have made mistakes. I do not know who has the right to say whether he has made mistakes or not; but it may be that with respect to this matter he has perhaps not done exactly as others might have done if they had been in his place, but only time can tell whether the President has made a mistake or whether, if others had been in his place and had acted differently, they would have made a mistake.

Let us, instead of cavilling about these matters and trying to draw party lines, remember that this is a question with respect to which we should try to be united; and it was because it was a question of that character that I was willing, after I had done my full duty in an effort to get a recognition of the Republic of Cuba, to abandon that proposition in the interest of harmony, and to secure an agreement and pass the resolutions.

That is all I care to say, Mr. President.

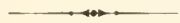
OUR WAR WITH SPAIN

Its Justice and Necessity

(From The Forum, June, 1898)

BY

HON. J. B. FORAKER



The United States and Spain are at war with each other. The fact is deplorable; and who is to blame for it is an important question. This question cannot be properly answered without a more extended review of the relations of Spain and the United States to Cuba, and of the character of the war which Spain has been waging there, than can be given in a magazine article. Enough may be said, however, to indicate all this sufficiently for present purposes.

The Island of Cuba has belonged to Spain, with the right to determine its government. It was the duty of Spain, however, to provide a just government, and the right of the Cubans to seek their independence, whether the government provided by Spain was just or unjust. People have a right to be independent and to govern themselves if they so desire; and it is no answer to say that they are already well governed. But when they are unjustly governed and grievously oppressed this right is accentuated, and their struggle for freedom and self-government naturally and properly commands sympathy as well as respect. Such would be the views of the United States with regard to any case, but especially so with respect to Cuba. That island lies at our door. It belongs to the Western Hemisphere. It is a part of the American system. The Monroe Doctrine covers and

applies to it. On this account no other nation would be allowed by us to interpose in its affairs. England, France, Germany and the other powers so understand. The result is that, whatever responsibility may arise for other nations in respect to the progress of events in Cuba, it is all our own. Our relation is special, and our duty is special. With these premises in mind, consider what has happened in Cuba.

The government of the Island by Spain has been, for the last fifty years, of the most arbitrary, unjust, oppressive, and inefficient character. The inhabitants have been practically denied all voice and representation in their affairs; their taxes have been out of all proportion to their ability to pay; and they have been allowed no substantial returns therefor. Educational facilities have been grossly inadequate; there have been no public improvements, not even ordinary highways, scarcely more than a pretence of the most ordinary sanitation, and no sufficient protection to either life or property; and yet the revenues exacted in recent years have amounted to about \$25,000,000 to \$28,000,000 annually. When it is recalled that the total population of the Island, including all classes and nationalities, Cubans, Spaniards, Negroes, together with Americans, Europeans, and other foreigners, is but one and one-half millions, most of them very poor, it will be seen how enormously disproportionate the burden is; but it is not until the details of the system of taxation enforced are considered that its insufferable character is made fully manifest.

In addition to heavy taxation upon all classes of real and personal property, the inhabitants are subjected to special taxes and license fees of every character and description. They are taxed upon each window, upon each pane of glass in each window, upon each chimney, and upon each door. Every note, check, bill, draft, receipt, deed, mortgage, or

other paper-writing is taxed ; and so is every kind of occupation, privilege, right, franchise, and business transaction, even to the entering of a name upon a hotel register. All appeals for relief have been denied ; and instead of showing mercy and help, Spain has grown steadily more heartless, indifferent, and exacting. Her penal laws have been enforced with a cruelty that can scarcely be exaggerated. Executions, banishments, imprisonments, fines, and forfeitures have been appallingly frequent and terrifying in character. Our fathers rebelled for just cause in 1776 : the Cubans have a thousand times better cause than they had.

In addition, therefore, to the inherent right of independence, the Cuban struggle is a rebellion against tyranny, oppression, robbery, and wrong greater than has ever been endured by any people capable of resistance, and of such a nature as to command the profound sympathy of all who love justice and liberty. It is impossible for any fair and properly informed mind to have the slightest sympathy with Spain in her effort to subdue the insurrection, no matter how fairly she may conduct the war in that behalf.

But her wretched government of the Island was but a fitting prelude to the atrocious war that has followed. It has from the beginning been marked with unusual waste, destruction, savagery, and disregard of the rules of civilized warfare ; but the climax in this chapter of wickedness was reached when the policy of "reconcentration" was entered upon. The President, in his annual message of December 6, 1897, justly characterized it as a policy of extermination. Such it was ; and such it was intended to be. The order inaugurating this policy was promulgated by General Weyler on February 16, 1897 ; but it had been doubtless previously approved—as it was subsequently and repeatedly—by the Spanish Government. It required the *pacíficos* to forsake their homes, and the peaceful pursuits whereby

they were supporting themselves, and be concentrated in the outskirts of the cities, towns and villages, where men, women, and children were huddled together under military guard, thousands in a place, with a monstrous inadequacy of food, clothing, shelter, and sanitary conditions. The evident purpose was the natural result. In one year more than two hundred thousand of the victims perished, and more than two hundred thousand others were brought so near to death that most of them will not recover.

The immeasurable inhumanity of this proceeding is not fully appreciated until it is remembered that these people, who were thus deliberately tortured to death, were the subjects of Spain,—not one of them had ever raised a hand against her,—who, whatever their sympathies may have been, remained loyal to the Crown, and were entitled to its protection. They were not insurgents, but *pacíficos*; not enemies, but citizens; not a disturbing element, but a quiet, peaceful, law-abiding, and self-supporting peasantry, who had done no wrong to anybody. In all the history of the world there is nothing that approaches their treatment in unprovoked fiendishness and sickening horror. Day after day, for week after week and month after month, the awful story of anguish, misery, and death, with its shocking details, was told to our Government by our faithful Consular officials in Cuba. When that correspondence is published, and all the facts are made known, it will excite the wonder of Christendom that we should have endured such conditions so long and so patiently.

There are other facts to be taken into account in judging the course and final action of the United States. When the war was commenced there were many American citizens residing in Cuba, and engaged in business there. They owned more than fifty millions' worth of property, all which has been practically destroyed without fault on their part.

Many of them have been arrested, imprisoned, and subjected to gross hardships and indignities, and some of them, like Dr. Ruiz, have been brutally murdered, all in violation of treaty rights; and, although thereunto duly requested, Spain has evaded and denied every demand for reparation, or even apology, whether for property, liberty, or life.

When the war commenced we had a trade with Cuba amounting to about \$100,000,000 annually. This trade has been destroyed.

The American people naturally sympathize with all who struggle for liberty and independence, but especially with those who are of this hemisphere and our immediate neighbors. The struggle of the Cubans has been so heroic, and against such odds and wrongs, that it has excited the greatest interest and admiration. It has also produced corresponding disquiet among our people, and has made necessary a constant, heavy expense, amounting to several millions of dollars in the aggregate, in order to police our coasts and, in the interest of Spain, enforce our neutrality laws. It would be unreasonable to expect us to submit indefinitely to such burdens and to such injuries to our citizens and their business. We had a right, therefore, to seek to bring about a termination of the struggle. We were an interested party. Our interest was second only to that of Spain. Therefore, on April 6, 1896, we tendered our friendly offices to Spain as a mediator. She rejected them, and the war continued. This tender was renewed by President McKinley, and with the same result.

At length Canovas was assassinated and Sagasta came into power. The latter recognized our interest and our right to relief. He also recognized and acknowledged that the policy of Spain should be reversed. He accordingly promised to institute all proper reforms, both in the prosecution of the war and in the civil government of the Island,

and asked that he be given a reasonable time in which to carry his reforms into effect. It was accorded him but there was no reform, nor any change for the better. On the contrary, the cause of Spain grew day by day more helpless and desperate, until all reasonable hope or expectation of success was gone; while the cause of the insurgents correspondingly improved. Autonomy was a failure, starvation went on, waste and desolation continued, and all to no purpose.

It became difficult for us to maintain friendly relations with Spain. Finally, to relieve the tension and bring about a better feeling, the "Maine" was sent to Havana, and Spain was invited to send one of her ships to New York. When the "Maine" reached Havana she was taken in charge by a Spanish official, the Harbor Pilot, and by him stationed at a place where, without warning, she, with two hundred and sixty-six of her officers and crew, was blown up and destroyed by a submarine mine. Submarine mines are acknowledged governmental implements of war. They are not at any time handled by private individuals; and at the time and place in question, it was a crime punishable by death for any person to be found even in possession of any kind of an explosive. These considerations make it a very strong *prima facie* case—almost conclusive—that the "Maine" was blown up purposely, and by Spanish officials; for it is manifest, as stated by Gen. Lee in his evidence before the Senate Foreign Relations Committee, that no novice exploded the mine, but a skilled expert who possessed not only all the facts as to its location and mechanism, but the requisite technical knowledge as well.

Spain recognized the case against her, and sought to escape liability. She disavowed the affair, and undertook to prove her innocence. She might have proved that there were no mines in Havana harbor if such had been the fact,

for she had full control of all the evidence on the subject. She could have called whom she pleased, but she took no testimony on that point. All her efforts were in one direction—that of showing that the explosion was within the ship, and an accident. Her Naval Board of Inquiry so found. One fact, conclusively established by our Board of Inquiry, destroys this finding. The bottom of the ship was blown upward, and was found bent from beneath into the shape of an inverted V. No such result could have been produced by an explosion from within ; this is self-evident. It completely destroys the accident theory, and with it the only defence that Spain has sought to make, or ever can make. In view of this it is wholly immaterial what particular person or persons pressed the button that exploded the mine. The commanding fact remains that our ship and sailors were destroyed by a governmental agency of war, for which Spain was as much responsible as she was for the guns in her forts. It therefore follows that not only the act of destruction, but also the act of placing us in danger without warning, was an act of war, and we would have been justified in opening fire on Morro Castle the moment we found the keel plates on the deck of the ship. But we did not do so. We did what scarcely any other nation would have done. We waited nearly two months for an official report, and then the President politely submitted all these criminating facts to Spain and asked her what she would do about them ; not doubting, to use his own language, “that the sense of justice of the Spanish Nation will dictate a course of action suggested by honor and the friendly relations of the two governments.”

If there was any definite suggestion in this sentence it was, at the most, a prolonged diplomatic controversy resulting ultimately in an international arbitration ; and that was not satisfactory. Hence, it was that at this point

patience seemed to be exhausted, and the Congress gave unmistakable evidence that diplomatic negotiations must cease, and some kind of decisive action be taken to end the war, stop starvation, give the Cubans their independence, and suitably avenge the "Maine." Numerous resolutions were introduced, and were referred to appropriate committees. All were given careful consideration; but no action was taken until the President, in his message of April 11, submitted his views and made his recommendations. He traced the course of events in Cuba, gave an account of his negotiations with Spain, told how he had exhausted diplomacy without avail, and, therefore, committed the whole subject to the Congress for such action as it might see fit to take. His recommendation was as follows:

"I ask the Congress to authorize and empower the President to take measures to secure a full and final termination of hostilities between the Government of Spain and the people of Cuba, and to secure in the Island the establishment of a stable government, capable of maintaining order, and of observing its international obligations, insuring peace and tranquillity, and the security of its citizens as well as our own and to use the military and naval forces of the United States as may be necessary for these purposes."

Upon this presentation of the case, as well as upon all this painful history and these influencing facts, relations, and doctrines, the Congress finally, on April 18, 1898, adopted the following resolutions:

"First. That the people of the Island of Cuba are, and of right ought be, free and independent.

"Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

"Third. That the President of the United States be, and

he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

“Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction or control over said island, except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.”

Was such action justifiable? In answering this question it is not necessary to discuss what was not done further than may be necessary in order to throw light on the grounds for what was done.

There were many who believed that a declaration of war on account of the “Maine” was the simplest, most justifiable and most logical action to take; but they were overruled.

There were many who thought that the whole subject should be recommitted to the President, as he had recommended, with power to take such measures as he might deem necessary to end the war, and to establish a stable government in the island, using the army and navy therefor if necessary; but they also were overruled.

It was the majority sentiment that (1) there should not be any further diplomatic negotiations; (2) that it was not competent for the Congress to delegate the war-making power to the President, to be used at his discretion in a certain contingency, to-wit, the failure of further negotiations (“measures”); and (3) that the Congress was without power to establish a government in a foreign country for a foreign people, “stable” or otherwise, and that it could not empower the President to do so, and that it would not be good policy to do so, if it could.

For these and other reasons, the President's recommendation in these particulars was not followed; and, instead, the resolutions already quoted were adopted.

On the grounds cited in the preamble—which is an epitomized statement of the whole case—the Congress, by the second and third resolutions adopted, demanded that Spain at once relinquish her authority, and withdraw her land and naval forces from Cuba and Cuban waters, and empowered and directed the President to use the land and naval forces, if necessary, to carry the resolutions into effect.

It will be observed that these resolutions cut off all further negotiations. Their mere passage was the demand. In the event of refusal by Spain to withdraw, they left no room for discretion. The President was directed and empowered in such case to employ, at once, the army and navy in the enforcement of the demand. The resolutions had the merit of brevity, explicitness, and unquestioned validity. No exercise of any doubtful or indefinite authority or power was provided for. The beginning and ending of the whole matter was the immediate expulsion of the Spaniards from Cuba. The door was shut against all further propositions of meditation or intervention looking to autonomy, or the continued sovereignty of Spain in the Island on any terms. The resolutions meant the absolute and unqualified independence of the Cubans, with the right to establish their own government without let or hindrance from us or anybody else; and they saved us from the perils and responsibilities of establishing a government. That whole subject was left in the hands of the people to whom it belongs. Consistent with all this was the fourth resolution, disclaiming all intentions of acquisition, and the first resolution, declaring that the people are, and of right ought to be, free and independent.

The first resolution was of the highest importance, and was accordingly made the subject of much earnest discussion. The chief insistence of those who opposed it was, however, simply that it declared what was not true. In this behalf they claimed, in all possible forms of speech, that war was still in progress in the Island; that the Spanish army still occupied the fortified cities and all the seaports; and that if the Cubans were already free and independent, it would not be necessary for us to intervene. To all this it was answered that a people could be free and independent, in the international sense, without having exclusive control of all their country; and that the presence of an enemy in the midst of them was not a test. At the close of the Franco-Prussian war the German army occupied Paris; but nobody ever thought of denying that the French people were internationally free and independent on that account. Similarly it was argued that though the people of Cuba had not driven the Spaniards out of the Island, yet they had resisted the Spanish arms successfully, that Spain was no longer attended with a reasonable hope or expectation of success in her effort to regain her lost sovereignty, and that our whole proceeding was based on the theory that Spain, by her misgovernment and bad conduct, had forfeited, not only her sovereignty, but also her right to regain it; for which reason we were proposing to drive her out. The effect of that would be to leave the Cubans free; for, if Spain had lost authority, there was none in the Island, except such as the Cubans might impose upon themselves—all of which was only another way of saying that they were free and independent. It was further insisted that if, according to the requirements of international law in ordinary cases, there was anything lacking to make the Cubans internationally free and independent it was supplied by the resolutions to be passed, because, by those

resolutions, intervention was provided for ; and that meant the unquestioned freedom and independence of Cuba to all who believed in our success. If Spain should retire on demand, the case was clear ; if she remained to fight, the result was the same in practical effect, although for a time postponed ; while the legal effect would occur immediately, so far as we were concerned, because we should be compelled to recognize the insurgents as our natural allies and co-operate with them, and we could not do that, and at the same time continue to treat with them as Spanish subjects.

A further argument was based on the fact that the armed intervention proposed was regarded as of such nature that if Spain refused to abdicate, war would immediately follow, and a declaration to that effect would be necessary, as proved to be the case ; but that a declaration of war against Spain would be a declaration of war against all her subjects everywhere. The people of Cuba, including the insurgents, were Spanish subjects in law, and would remain so in our view, as well as that of Spain and the rest of the world, until we recognized their independence. A declaration of war against Spain therefore would be a declaration of war against the Cubans as well as everybody else belonging to Spain ; and consequently, as a war measure and as one of the necessities of the case, at least the people of Cuba should be recognized as independent. This view prevailed. It prevailed because it was justified by the facts, and was made necessary as a collateral proposition by the chief proposition of intervention. Independence must go hand in hand with intervention.

For the same reasons, as well as others, the Republic of Cuba should have been recognized as the true and lawful government of the Island. The progress of events will not only make this manifest, but will shortly compel such recog-

dition, practically, if not formally. The chief objection was stated by the President, as follows :

“ In case of intervention our conduct would be subject to the approval or disapproval of such government. We would be required to submit to its direction and to assume to it the mere relation of a friendly ally.”

A complete answer to this suggestion, in the minds of those who favored such recognition, was found in the fact that, according to all international-law writers, an intervening Power never takes orders from anybody, and in the further fact that the whole situation was of such a character as emphatically to negative the idea that the Cuban Republic, or General Gomez, would embarrass us by the assertion of any such right. This is all that need be said upon that point now. In this way the question narrowed itself down to whether or not we were justified, under all the circumstances, in demanding that Spain retire from Cuba, and, upon her refusal, in proceeding to eject her by force of arms.

The general rule established by international law is non-intervention ; but the exceptions to this rule have been so often repeated, and on such various grounds, that intervention has become a well recognized right, if not in some instances, an acknowledged obligation.

Prof. Lawrence, in his admirable work on “The Principles of International Law,” after discussing the right of intervention on the ground of self-interest, says, with special reference to cruelties on account of religion :

“Should the cruelty be so long-continued and so revolting that the best instincts of human nature are outraged by it, and should an opportunity arise for bringing it to an end and removing its cause without adding fuel to the flame of the contest, there is nothing in the law of nations which will condemn, as a wrongdoer, the state which steps forward and undertakes the necessary intervention. Each case must be judged on its own merits. * * * I have no

right to enter my neighbor's garden without his consent ; but, if I saw a child of his robbed and ill treated in it by a tramp, I should throw ceremony to the winds, and rush to the rescue without waiting to ask permission." (P. 120.)

In concluding his discussion of the subject, Lawrence says :

" They (Nations) should intervene very sparingly, and only on the clearest grounds of justice and necessity ; but when they do intervene, they should make it clear to all concerned that their voice must be attended to and their wishes carried out." (P. 135.)

All authorities are to the same general effect.

Applying these rules, the war in Cuba has been of long duration. It is more than three years now since it commenced ; and the present is but a resumption and continuation of the ten years' war that ended by the treaty of Zanjon in 1878. The struggle has been attended by unusual cruelties from the beginning ; and the one feature of international extermination by starvation of the unoffending non-combatants, to the number of hundreds of thousands, is so inhuman and shocking, and has been now so long continued that, without regard to the commercial and property interests involved, we have " the clearest grounds of justice and necessity " for intervention ever presented.

In the language of Historicus, (Letters on Some Questions of International Law.—I), it is a case where intervention is " a high act of policy above and beyond the domain of law "—which is the equivalent of saying that it has the most sacred sanction of law.

We were justified, therefore, in intervening ; and it was our duty, when we did intervene, adopting the words above quoted, to make it clear to all concerned that our voice must be attended to and our wishes carried out. The resolutions authorizing our intervention meet all these require-

ments, and do not go beyond. We could not do less than they propose and do our duty. Under all the circumstances we delayed action longer than we should, and have been less harsh and exacting than we might have been.

Spain lost her sovereignty by her own misrule; and she lost all opportunity to retire with dignity and honor, by obstinately refusing the kindest and most generous offers of mediation and by failing to heed repeated and unmistakable warnings of the inevitable. She had a *legal* right to treat our intervention as an act of war; but she had no *moral* right to do so. She has been in the wrong and at fault from the beginning. The trouble commenced in her own house. She made it a general nuisance, and persisted in so maintaining it long after she had been notified that it had become insufferable. Now, when she has forfeited all the respect of others, and all her rights, and when ejection has become necessary, she resents it as an act of war, and appeals to the world for sympathy. So far she has not received any; and it is to be hoped she will not. But, however that may be, our only course was to meet war with war. It is a justly dreaded necessity, but not without some compensations. The spirit of patriotism that has been aroused will stir the life blood of the nation, quicken human activities, and efface sectional divisions. Whether the struggle be long or short, we shall emerge from it stronger, more united and more respected than ever before.

J. B. FORAKER.

April 28, 1898.



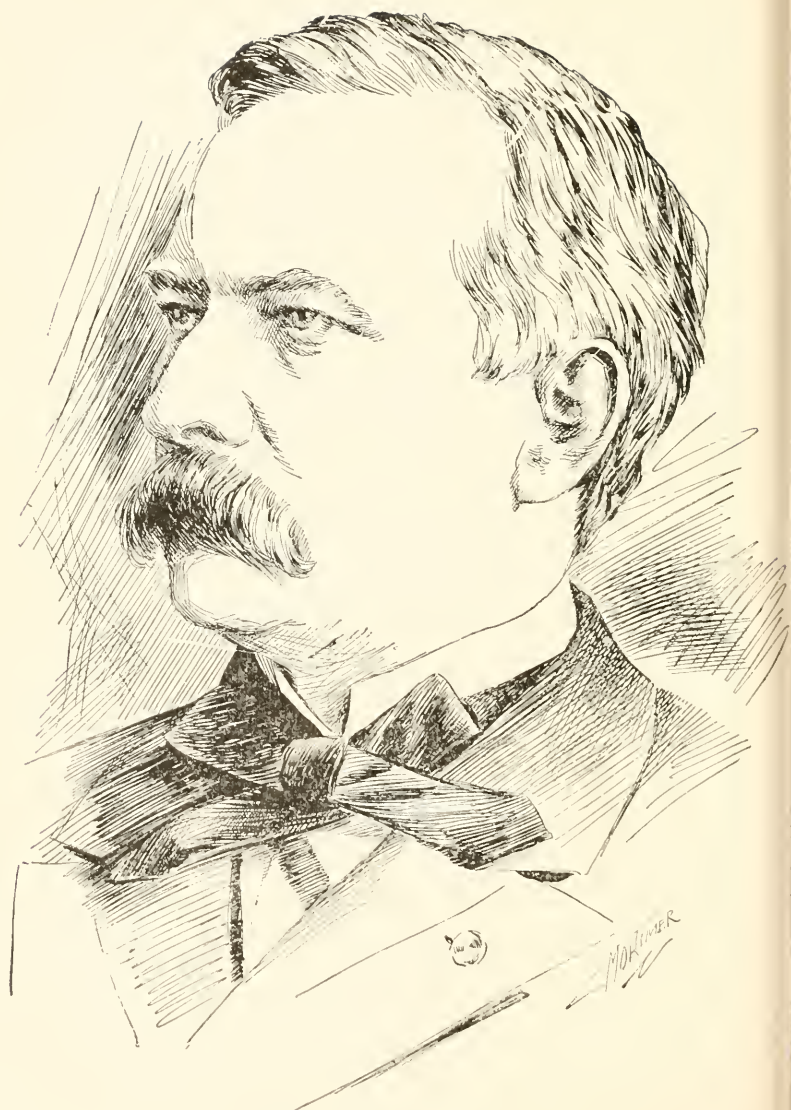
SUCCESS IN POLITICS.

BY

J. B. FORAKER.

(From Chicago Inter Ocean, June 5, 1898.)





HON. J. B. FORAKER.

SUCCESS IN POLITICS.

Senator Foraker Gives Advice to
Ambitious Young Men.

THE WINNING OF FAME.

Honesty and Industry Are Prime
Requisites in Politics.

Keeping One's Temper Under the Adversity of
Defeat Will Always Be a Profitable Feature.

BY J. B. FORAKER.

I am asked to tell how I came to get into politics; what was my first political success; what I would advise young men to do who desire to achieve political success; and whether or not I think the rewards of public life are sufficient to justify a poor man in going into politics.

I got into politics naturally enough, and yet accidentally—at least not purposely. I went into the army in 1862, when but 16 years of age, and before I had completed my education. I served three years, until the close of the war, and then, at 19, came home from the excitements of the field and resumed my studies. It was a time of great political events. There was intense feeling. Great men were on the stage, and great

questions were engaging attention. We were working out the settlements of the war. I naturally took interest in all that was occurring, and thus became familiar with politics before quitting the academic life. I left school, notwithstanding, without any thought of engaging in public affairs. On the contrary, I had a fixed determination to adhere strictly and exclusively to the practice of the law. I got along very well in that profession until General Grant's second campaign in 1872. I was his great admirer, and could not resist the temptation to take the stump and make answer as best I could to the fierce charges of various kinds that were made against him. This was the putting of the hand to the plow, and there was no turning back.

DEMANDS OF CAMPAIGN WORK.

The demands for campaign work grew with the years, and before I knew it I was being mentioned favorably in connection with official positions, and finally, in April, 1879, I had my first personal political success in the shape of an election to the office of Judge of the Superior Court of Cincinnati. After three years of agreeable official life I became ill, and on that account resigned. I quickly regained my health, however, and once more engaged in the practice of law. I had no thought of returning to public life. I was therefore surprised, as well as gratified, when the following year, 1883, I was nominated for Governor without opposition and by acclamation. Since then I have had a very active and at times rather tempestuous experience. In my first campaign for Governor the liquor question was uppermost in the minds of the people, and I was defeated, but two years later, in 1885, I was renominated and elected. I was re-elected in 1887 and renominated in 1889 for the fourth time and for a third term and again defeated.

I was a candidate for United States Senator in 1892, but was defeated by Senator Sherman, who received fifty-three votes to my thirty-eight. In 1896 I was elected to the Senate without Republican opposition.

I attended the national Republican conventions of 1884, 1888, 1892, and 1896, each time as a delegate-at-large, and each time chosen by acclamation. In 1884 and again in 1888 I was

chairman of the Ohio delegation, and both times presented the name of Senator Sherman as Ohio's candidate for the Presidency. In 1892 and again in 1896 I was chairman of the committee on resolutions, and as such each time reported the national Republican platform to the convention. I also, in 1896, placed President McKinley's name in nomination. In all these years I have taken an active part on the stump, not only in Ohio, but also in other states.

DEFEATS ARE NOT INSURMOUNTABLE.

I mention all this because I am asked to do so and because it will indicate that I have not only had considerable experience, but that it has been of a varied character. While I have had some successes, I have also had my full share of defeats and disappointments. Some of these defeats have been because of my own faults and mistakes and some of them because of conditions and circumstances beyond my control. Defeats generally hurt a man, especially when attributable to his own mistakes, but they are not insurmountable, even in such cases, when accepted uncomplainingly and when they do not involve lack of integrity or sincerity. The people do not expect or really desire perfection, or even a very close approximation to it. I do not know but that they like those who now and then show that they are flesh and blood by ordinary mistakes of judgment better than those who never fail to do exactly the right thing. It is the difference between hot blood and cold; impulse and calculation.

Mr. Ford has done a good work by his new book, "The True George Washington." He has brought that great character with all its worth and sublimity into closer touch with mankind. He has established a relationship between Washington and the rest of the human family, where, according to Weems and most other biographers, there was none, and as a result there is a marked increase of affectionate regard and admiration for the father of his country. Since we know that with all his greatness and goodness he yet had many of the shortcomings that afflict other people, we feel much better acquainted with him, and look upon him as a more agreeable person to meet on the pathway of life.

UPS AND DOWNS OF POLITICS.

Recurring now to your questions, it is upon this kind of experience that I would advise a young man to consider well before he enters politics. Unless he have aptitude for public affairs he is not likely to succeed, and if he have power to succeed he must expect all kinds of ups and downs. To-day successful and popular, to-morrow defeated and censured; sometimes justly, but more frequently unjustly. To withstand all this he must have good nature and the qualities of self-adaptation. He must learn that his own personality is not important to anybody but himself, and consequently the people do not care anything about his grievances. He must keep them to himself. When he meets with disappointment he must accept it as all right, and be satisfied to abide by it, no matter how permanent its consequences may be. If time should enable him to recover, as it probably will, it will not only be clear gain, but he will be stronger than ever, while if he do not recover he is no worse off because of keeping his temper.

I do not think any programme can be outlined for a young man, excepting in the most general way. Situations are constantly changing, and one is likely to be called upon to meet unforeseen exigencies that will turn his career into unexpected directions, but this much a young man can always regard as absolutely essential to genuine success in any of the important walks or relations of life, public or private; he must be a hard worker. No matter what his intellectual endowments may be, investigation and preparation will always be necessary to the satisfactory discharge of public duty. The men who depend upon "natural genius," or upon the "inspiration of the moment," are not safe examples to follow.

And not only must he be diligent, but he must be honest and sincere in all he does. Only temporary advantages can be attained by a sacrifice of these qualities, and they are never worth what they cost. There is only one safe rule, and that is to stand at all times for honest conviction without equivocation or dissembling of any kind. His views may be erroneous, or, if correct, they may not prevail, but however that may be, a man is strong only when he advocates what he believes.

Following these ideas a man should attain as high a success as his qualifications may fit him for. Assuming that that they are of the best, and that he attains important place and high distinction, are the rewards sufficient to justify the struggles and the sacrifices involved? As a general rule they are not. The salaries of public officials are inconsequential. They are seldom sufficient to pay expenses. The honors are all that is left. Nine times out of ten they are fleeting and unsatisfactory. However attractive they may appear when far removed they almost always dwindle and disappoint on near approach, so that if one only had words of appreciation and encouragement he would be underpaid; but when instead of words of appreciation and encouragement he is criticised, lied about, and abused, held up to ridicule, and subjected to detraction and disparagement, the reward is poor indeed. And yet men go on pursuing these delusive hopes and seeking these unremunerative rewards. Why, no one can exactly tell, except upon the theory that hope springs eternal in the human breast. It is bad to-day, but it will be better to-morrow.



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INTERNATIONAL AMERICAN BANK.

REMARKS

OF

HON. JOSEPH B. FORAKER,
OF OHIO,

IN THE

SENATE OF THE UNITED STATES,

JUNE 13, 14, AND 16, 1898.

WASHINGTON.
1898.

REMARKS
OF
HON. JOSEPH B. FORAKER.

June 13, 1898.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3414) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank.

Mr. FORAKER said:

Mr. PRESIDENT: Although the Senator from Alabama [Mr. MORGAN] has honored me with a request that I explain this bill, I can not think it necessary for me to detain the Senate at any very great length in doing so.

This is a measure which has been a long time pending in Congress. It relates to a subject which has received much and careful consideration for quite a number of years. In 1888 there was called what was known as the Pan-American Congress, which assembled here in the city of Washington, composed of delegates and representatives from all the Central and South American states and republics, for the purpose of considering this and kindred questions.

One of the recommendations of that Congress was that there should be established, for the purpose of facilitating trade between the United States and the Central and South American republics and Mexico, an international bank. By common consent it was agreed that that bank should be incorporated by the United States, and that it should be called the International American Bank. Pursuant to that recommendation, the then Secretary of State, through the President, submitted to Congress a report of the proceedings of that convention in this behalf and requested appropriate legislation to carry out that recommendation.

Bills were introduced in both branches of Congress, all of the same general nature, and from time to time reports have been made, and I believe in every instance those bills have been favorably reported upon and recommendations have been made that the legislation be enacted. I have before me quite a number of those reports. I do not think it is necessary that I should go over them in detail, but I can state for the benefit of those who may desire to have that knowledge that in those reports all questions which have been raised with respect to this proposition have received careful consideration and have been argued at great length.

One of the important questions considered was a legal question as to whether or not such legislation was constitutional. In a report which was made to the House of Representatives by Mr. BROSIUS, from the Committee on Banking and Currency, that

question is argued at length, and the authorities in support of the proposition that it is constitutional are submitted. It was contended and so agreed by the House committee that the Congress has power to enact such legislation as is now proposed under that clause of the Constitution which invests the Congress with power to regulate commerce with foreign nations.

The only other question which has been considered is the general one as to whether or not it is good policy, the constitutional question being decided in favor of the legislation. to enact such legislation as this and undertake to have an international bank. A great deal might be said in behalf of the proposition that our best interests require the enactment of legislation under which we can establish such an institution; but it is enough, perhaps, to say (because all else will be apparent to all who stop to consider and think of it for a moment) that the purpose of it is to afford better facilities for exchange between these republics and the United States of America, to afford banking facilities by reason of which we can transact our business with those countries directly instead of by way of Liverpool and London, by which we may save to the people who do business in this country with the people of those countries the payment of the rates of exchange, which are so considerable as to amount in the aggregate to a very great sum annually.

I have before me the report to which I have referred, made by Mr. BROSIUS, in which both of these propositions are discussed, and I have before me also the report which was made by Mr. BACON, in which he also favorably discusses the proposition: and I ask unanimous consent that these reports may be printed in the RECORD in connection with the remarks I am now making, as embodying the reasons why I favor the bill.

[The reports were here inserted in the RECORD.]

Mr. FORAKER. Mr. President, perhaps it is enough to say as to the character of the bank for which we have provided that it involves no assumption of responsibility whatever by the United States Government. We become responsible for nothing that the bank may do, and yet while the Government is not at all responsible for the conduct of the bank or the liabilities of the bank, it does assume a supervision of the bank, and the bill empowers the Comptroller from time to time to make visitations and to examine the condition of the bank, and it makes it his duty at all times to see that the bank is honestly and properly conducted.

That provision is put there in order that the bank may accomplish the purpose designed to be accomplished by it and in order that everybody may be made to know that it is being conducted under the supervision of an official who has authority to visit it and to suspend its operations and put it into the hands of a receiver if there be any violation whatever of any of the statutory provisions covering the conduct of the bank.

I do not know that it is necessary for me to go into details further than I have. If there be any Senator here who desires to have any information on any point upon which I have not touched, I will be very glad to give it to him, if I can, if he will only signify what it is.

Mr. MALLORY. Allow me to ask why it is that this bank can not be organized without the intervention of an act of Congress?

Mr. FORAKER. It is possible that a bank could be organized without the intervention of Congress, but it is very doubtful, as the committee thought, whether or not a bank could be author-

ized and empowered by any one of our States—I suppose the Senator from Florida has in his mind the power of a State to authorize a bank—to do what this bank is empowered to do, namely, to conduct business throughout the country at various points where it is authorized to have branch offices and also in foreign countries in the manner in which the bill provides that this bank shall conduct its business.

But, however that may be, it was thought, aside from the question of power in a State so to authorize a bank to conduct that kind of business, that it was better policy, inasmuch as we were looking to the interests of the whole country and inasmuch as the bank was to do an international business, to incorporate the bank by the National Government and give to it that credit and prestige and power and influence which could be given only by the United States Government, and could not be given by any State government. I think those are the reasons which moved the committee to recommend that Congress enact this legislation instead of committing it to the States.

Mr. FRYE. The idea was practically to put it on a parallel with the Bank of Germany and the English bank already established in Brazil, at Rio Janeiro.

Mr. MALLORY. Our banks can negotiate exchange without any special authorization.

Mr. FORAKER. They do, but at a very great disadvantage, as the committee understands from the statements made before it.

Mr. STEWART. I should like to call the attention of the Senator to section 23.

Mr. FORAKER. If the Senator will allow me, that has been stricken out on motion of the Senator from Colorado. I stated that the Senator from Nevada had objection to it, and he moved to strike it out.

Mr. STEWART. The corporations existing under the laws of any sovereign State can do business in other sovereign States by comity of nations, and we do it here by comity of States. I suppose that a corporation organized under the laws of the United States can do business in a State and in foreign countries upon the same principle.

There is one other matter to which I should like to call the attention of the Senator. That is the amount of the reserve. All panics pretty nearly are created or are aggravated very much by the drawing in of the reserve, and if you have out a great deal of money and do a very large business, there is a great tumble when the smash comes. It seems to me that this is too small a reserve with the experience we have had with other banks. I do not like to interfere with the bill. I think, however, that if you had a larger reserve it would be safer. If the bank had a reserve of 35 or 40 per cent, I certainly think it would be a more stable institution and less liable to breed panics.

When a panic comes, it sweeps down everybody, and the bank is compelled to draw in its reserve; and when it does, the whole community is mowed down and destroyed. The bank would not be under the same stress in tight times if it had a larger reserve. It is true it would not make quite as much money by loaning it out. I think when you require a reserve of only 25 per cent, you come very near the danger limit. I think you ought to have a larger reserve. I am not going to oppose the bill on that account, however, but I simply call attention to this point.

Mr. FORAKER. I am glad to have the Senator from Nevada

say he will not oppose the bill on that account. I have talked with him repeatedly in regard to the objection which he urges against the bill, and I am glad that when we come to consider the bill he feels as he does, namely, that he ought to express his opinion, but ought not to oppose the bill if other Senators do not agree with him. The provision of the bill is that the bank shall have a reserve of 25 per cent. This is as large a reserve, I undertake to say, without having accurate knowledge on the subject, as is ever by law required to be kept.

Mr. STEWART. I do not think there is any instance where the reserve by law has been large enough in any State or under any banking system, because sooner or later they all come to grief, and the want of a sufficient reserve makes the slaughter of honest men terrific.

Mr. FORAKER. Since the Senator from Nevada suggested this to me in his seat some weeks ago I have talked with quite a number of bankers and others who I thought would have better knowledge and better judgment in regard to the matter than I, and all are of one mind about it, that 25 per cent is a large enough reserve for us to require the bank to keep. If a reserve of 35 or 40 per cent should be required to be kept, as the Senator from Nevada suggests, it would very seriously interfere with the making of any money by the bank. I suppose what the Senator meant to say a moment ago was that when a bank draws in not its reserve but its outstanding loans it precipitates a crash.

Mr. STEWART. That is what I meant to say.

Mr. FORAKER. I do not know how that would be.

Mr. STEWART. It always has been that way.

Mr. FORAKER. I know that this percentage seems to be regarded by bankers generally as large enough. In committee it was unanimously thought to be large enough. That provision was satisfactory, and I hope the bill will be allowed to stand in that particular as the committee has reported it.

Mr. STEWART. I should like to see it larger. I do not want to obstruct the passage of the bill, but I should like to offer an amendment to make the reserve a little larger. I predict that if the Senator lives twenty-five years he will see them calling in their loans and a general smash.

Mr. PETTUS. I should like to know what peculiar benefit there is from such a bank as this which would authorize the United States to exempt it from taxation.

Mr. FORAKER. If the Senator from Alabama will allow me, I suppose he was not in the Senate when that section was stricken out of the bill.

Mr. PETTUS. Yes; I was in the Senate when that was done. The Senator from Colorado moved to strike out the twenty-third section.

Mr. FORAKER. Yes.

Mr. PETTUS. But the Senator knows that no State can tax the shares of this institution unless it is by authority. I do not see any authority given in any part of the bill now for any tax to be put upon it by anybody.

Mr. FORAKER. I do not agree with the Senator from Alabama as to the legal proposition. I understand that the shares of a bank, as, for instance, the shares of a national bank, are personal property in the hands of the holder, and in his hands taxable like any other property.

Mr. PETTUS. If the Senator will allow me, that as a general

proposition is true in reference to State banks, but it has been decided, and decided over and over again, that no State can tax any such bank as this unless it have authority from Congress. No State can tax the shares of this bank, and there is no provision in the bill authorizing the State to tax them in any way, shape, form, or fashion. We tax the shares of national banks, to be sure, but we tax them because the Congress of the United States has given authority to the States to levy such a tax, and without that authority no such tax could be levied. It seems to me, sir, that we have monopolies enough that are entirely beyond the taxing power, without creating a monster like this and giving it that privilege to start with.

Mr. FORAKER. As I said a moment ago, I do not agree with the Senator from Alabama as to the legal proposition which is at the bottom of his remarks, but to remove all question on that point I am willing, so far as I am concerned, to have the latter clause of section 23, which was stricken out in whole, reinserted in the bill. That would meet the suggestion of the Senator from Alabama and remove all doubt, if there be any without it, as to the shares of the bank being taxable in the hands of the owners of those shares wherever they may be held in the States.

Mr. PETTUS. The first part is an exemption purely. The latter part gives authority, but that has been stricken out.

Mr. FORAKER. I am willing to have it reinserted.

Mr. PETTUS. The Senator surely has not looked at the cases in the Supreme Court. That court has decided over and over again, way back yonder when the United States first created a national bank, that no State could tax it or any member of it for its shares, and it has been decided recently and several times in reference to the present banks that the States can tax them only by authority of Congress and in the particular mode which Congress has pointed out.

Mr. STEWART. Is there not a distinction between national banks and this bank? This is purely a private corporation. It is not an instrumentality of the Government in any way, and I do not think it would stand any different in the States from any other private corporation unless you make it an instrumentality of the Government. The States have the same power to tax it as they have any other corporation formed in a State. Therefore I do not see any difference, but I think it would be very well to leave the last part of the clause in.

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). Does the Senator from Ohio move to reconsider the vote by which the section was stricken out?

Mr. FORAKER. To meet the objection of the Senator from Alabama, I move to reconsider the vote by which section 23 was stricken out.

The motion was agreed to.

Mr. FORAKER. I move that so much of section 23 be stricken out as is embraced in the first three lines and down to and including the word "but" in the fourth line, so that the section as amended will read as follows:

The several stockholders shall be liable to assessment and taxation upon the shares held by them at their respective places of residence according to the true value thereof, and to the same extent and in the same manner as other personal property is assessed and taxed.

Mr. BACON. I should like to ask the Senator if he intends that the property held by this bank in any State shall be subject

to taxation the same as any other property? Is that the intention?

Mr. FORAKER. That is the intention.

Mr. BACON. The Senator, then, would have no objection to expressing that?

Mr. FORAKER. I would not have any objection at all, but the bill as reported by the committee, if the Senator from Georgia will look at the section, provided that the property of the bank should not be taxed.

Mr. BACON. I understand that has been stricken out.

Mr. FORAKER. We struck it out because we were willing to have the property of the bank taxed, and I am perfectly willing now to have the property of the bank taxed and the shares of the bank in the hands of the owners taxed; and I am willing, if it meets with the approval of other Senators, to have the first clause of that section remain in, but so changed as to indicate authority to tax the property as well as the shares themselves.

Mr. BACON. I only make the suggestion for this reason: I have no doubt as to the intention of the Senator, but then we have courts to deal with which might put a different construction upon it. I think it ought to be expressed.

Mr. TELLER. I moved to strike out section 23 because I was under the impression that if there was no provision about taxation it would be taxed under State laws. It is not an instrument of government like a national bank. I think it would be safe to put it in, however, saying it shall be taxed under the laws of the State wherein they do business.

Mr. BACON. The Senator will remark that there is a provision in the charter for the performance of some public functions.

Mr. TELLER. They are not national functions in the sense that a national bank performs such functions; at least I do not think so.

Mr. BACON. I quite agree that the Senator's construction is correct, and if the Senator was going to be the judge on the bench to construe it, I should be perfectly willing to leave it as it is.

Mr. TELLER. I am not.

Mr. BACON. But he is not going to be; and the rule which has been repeatedly stated here during our recent debate on the subject of taxing corporations is quite an elastic one, and we do not know how far courts might stretch it to cover the case of a bank, which is authorized in its enumeration of powers to negotiate loans of government.

Mr. TELLER. I think it would be very well to provide that it should be subject to State taxation according to State laws.

Mr. BACON. I think the Senator is correct about that.

Mr. CAFFERY. I ask the Senator from Colorado whether that would not follow as a matter of course?

Mr. TELLER. I said I thought it would, but to save any question as to it I should think it would be better to put it in.

Mr. CAFFERY. I should like to ask the Senator from Ohio whether this bank is charged with any function that could not as well be exercised by a bank chartered by a State; whether it performs any governmental function whatever; whether the dealing in exchange with foreign countries, receiving deposits from foreign powers, being the agent of foreign powers, constitutes it in any respect a bank of the United States?

Mr. FORAKER. Not a bank of the United States in any sense whatever; but I think it differs from any bank chartered by a

State as to its power in this respect: I do not think it would be competent for any State to charter a bank with power to establish branches in other States throughout the Union and in Mexico and other foreign countries, as it is necessary for this international bank to do to accomplish the purpose it is to subserve, namely, facilitating international exchange.

Mr. CAFFERY. Then I ask the Senator whether, if this bank performs no governmental function, has no attribute of the United States in banking, any charter of a branch bank in a State might not be liable to objection by State authorities, and whether it could obtain authority, by an incorporation under a law of Congress, to do business in another State when that business was of a purely private character and the bank performed no governmental agency?

Mr. FORAKER. I think it does in a certain sense perform a governmental function, and that is an appropriate institution for the Government to establish. The constitutional question was solved in favor of this legislation by the committee which considered it, upon the theory that it is the exercise of the power by the Government authorized by that clause of the Constitution which authorizes the Congress to regulate commerce among the States and with foreign countries. It is the direct purpose of it, and in a general sense the sole purpose of it, to facilitate our building up trade and commerce with other countries where now our trade and commerce are very unsatisfactory.

Mr. CAFFERY. I will say to the Senator that that is the only trouble in my mind about this bank. This bank does not appear to have any other function than a private bank chartered by a State would have. If this bank is made the agency of a foreign power, it is purely by convention between the bank and the foreign power, and any convention of that sort can be as well had between a private bank incorporated by a State and a foreign power.

Mr. FORAKER. But a private bank incorporated by a State surely would not have power to go into a foreign country and there establish a branch and there conduct a general banking business, as this bank is authorized to do. The Congress can give authority to do that under this general constitutional provision, but no State has such authority, so far as I am aware.

Mr. CAFFERY. I suggest to the Senator whether or not the consent of the foreign power would not have to be obtained even in the case of the United States.

Mr. FORAKER. Oh, undoubtedly.

Mr. CAFFERY. Could not that authority be obtained as well for a State bank as for a bank of the United States?

Mr. FORAKER. It might be procured for a State bank so far as the foreign power is concerned, but the home government might deny a State bank the right to go and exercise such a power as that, even if the foreign government should be willing.

Mr. TELLER. Mr. President, I do not care to go into any debate over this question, because I have concluded that I shall not raise any question about it. I simply can not agree to the statement that the Government of the United States has any more power to establish a bank in England than the State of New York has. The whole thing depends upon the consent of Great Britain. The State of New York might say to a bank, "If you see fit to establish a bank in Great Britain, it shall not in any wise be considered a violation of your charter." We can say the same thing,

but neither the National Government nor the State government could give it any earthly power in Great Britain.

Mr. FORAKER. Of course I did not mean to be understood, and I hope the Senator did not so understand me, as saying that this Government could give to this bank to which we are now proceeding to grant a charter authority to go into a foreign country and there, without regard to the wishes and desires of the foreign government, establish a banking business and conduct it. What I meant was we could give it authority and power to go there, provided, of course, that government would permit it to do so. That is a matter for the other government.

Mr. TELLER. I mean the State of New York can do precisely what the National Government can do in that particular. Neither one can do more than the other.

Mr. FORAKER. I do not know how it is as to the State of New York, but my idea is that the State of Ohio could not, in view of what I know of the constitution of the State of Ohio. The constitution of the State of Ohio has no provision in it, and there is no statute in the State of Ohio, and it would not be constitutional if there were, which authorizes the incorporation of a bank to do business anywhere except within the territorial limits of the State of Ohio; but when it comes to a question of the constitutional power of Congress, we have an express constitutional provision which governs and fits this case, under the clause which says that Congress shall have power to regulate commerce, not only among the States, which gives it authority to go into all of them, but with foreign countries as well, which gives authority to act in a matter of this kind, which is a mere facility for increasing our trade by making more simple and easy and direct our exchanges.

Mr. MALLORY. Will the Senator from Ohio permit me?

Mr. FORAKER. Certainly.

Mr. MALLORY. As I understand the Senator's remarks, the prestige of an incorporation by the United States Government is sought because it is advantageous to the bank.

Mr. FORAKER. Yes; it is thought to be.

Mr. MALLORY. Now, will not this bank, by reason of the influence received from its incorporation, have a practical monopoly of this business which is now being conducted by other banks, by the national banks and other banks in the several States along our seaboard? That is an objection which presents itself to my mind, and I should like to know about it.

Mr. FORAKER. I think it would have advantages over banks incorporated simply by the States, but I think it is one of those things which it is our duty to provide for without regard to what effect it may have upon those who necessarily enter into competition with it.

Mr. MALLORY. It occurs to me that possibly there may be difficulty hereafter, when this bank is chartered with \$25,000,000 capital, as we authorize—

Mr. FORAKER. Five million dollars.

Mr. MALLORY. Originally, with an increase to \$25,000,000. The question is whether it would be possible to get through Congress a charter for another bank.

Mr. FORAKER. The committee were divided in their opinion as to whether or not this should be made to apply to other countries as well as the South American Republics, but the Senator will observe that there is nothing exclusive about it. There may be just as many more international American banks established by

Congress as Congress may hereafter see fit to establish. It is simply and necessarily experimental to some extent. We have been experimenting without one, and the result has been unsatisfactory, and now we want to experiment with one, and if this works well the committee said in effect then it would be time enough to take up the question whether we will extend the powers of this bank or authorize other similar banks.

Mr. CAFFERY. Will the Senator permit me to ask him one more question?

Mr. FORAKER. Certainly; but I wish to offer an amendment.

Mr. CAFFERY. I simply desire to be informed on this question. I confess it is the first time I have looked over the provisions of the bill, and that very hastily. The Senator has admitted that this bank could not do any business in a foreign country purely without the consent of that foreign country.

Mr. FORAKER. That is, the foreign country could exclude it, of course.

Mr. CAFFERY. Exactly.

Mr. FORAKER. It is a foreign corporation.

Mr. CAFFERY. Now, as the States, in all matters where the Federal Government has authority, are just as much foreign States, what good reason is there why this bank could not be prohibited from doing business in a State, as it does only that sort of business which ordinary private banking institutions do?

Mr. FORAKER. I do not understand that any State would have a right to prohibit this bank, authorized as it is proposed to authorize it, from doing business within their territorial limits. I think it is competent for Congress to authorize banks of this character to have a place of business with branch offices in the various States.

Mr. CAFFERY. If this bank were a bank of issue, I concede to the Senator that it could be authorized to establish branch banks, but the business of the bank is confined, in my opinion, to business of purely an individual character. It has not any governmental functions to perform. It does not perform any of the attributes that the United States can perform in the matter of regulating currency or regulating commerce. The power to establish banks under the commerce clause of the Constitution was derived from the power of the banks to issue currency, and in that respect to regulate commerce, but as to discounting paper, receiving discounts, negotiating bills of exchange, whether with foreign powers or not, it occurs to me that no bank chartered by the United States to perform these functions could establish its branches in the States and do this sort of business of a purely private bank character against the will and consent of the States.

Mr. TELLER. This bank will have an unquestioned right to do business in the District of Columbia. There is no question about that. It can do business, then, in the State of New York, provided the State of New York does not object. I am speaking of it as an institution not performing any governmental function. The State of New York will consent, very likely, that it shall do business in New York. They have a method in New York and in all the other States by which they allow foreign corporations—and they are all foreign in the other States as well as abroad—to do business. Unless this bank performs some governmental function it will have no power in the States except what the States give it. That is my judgment.

Mr. BACON. I should like to ask the Senator from Ohio if he

thinks the General Government has any power to charter a bank except it be for the performance of some governmental function?

Mr. FORAKER. No; I do not think it has. Therefore I answered as I did a moment ago. If the Senator from Georgia is listening, he would have remembered that I said——

Mr. BACON. I was called momentarily from the Chamber and possibly did not hear the Senator.

Mr. FORAKER. I said there was no specific function designated by the terms of the bill, yet it was, after all, an incorporation for the purpose of discharging this particular governmental function, namely, assisting to regulate commerce between the States and with foreign countries. I said it was authorized by that provision of the Constitution, and it was an agency of the Government in that respect.

Mr. BACON. I beg pardon; I was absent from the Chamber momentarily when the Senator made that explanation. The Senator, then, understands this charter to be designed for the purpose of aiding the Government in the regulation of interstate commerce. Am I correct in that? I should be glad if the Senator would call attention to the particular section which is intended to carry out that purpose. Will the Senator kindly refer to the section of the charter?

Mr. FORAKER. I will read from the report made by Mr. BROSIUS, which I referred to a while ago, and which will be printed as a part of my remarks.

Mr. BACON. As the Senator is speaking of the powers of the company, I should like to have him refer to the particular charter power by and through which the Government will perform the function of regulating interstate commerce.

Mr. CAFFERY. Through the banks?

Mr. BACON. Yes; through the banks. Then I should like very much——

Mr. FORAKER. I do not say to regulate it. The provision of the Constitution is that Congress may be empowered. I will read the exact clause:

The Congress shall have power * * * to regulate commerce with foreign nations.

Now, that does not mean simply that the Congress shall say upon what terms the products of other countries shall be brought into this country or the products of this country shall be exported; but it may mean a great many things. It means, among others, that Congress shall have the power to create governmental agencies to facilitate the conduct of our commerce and trade with other countries. That has been held repeatedly by the Supreme Court, and in the report made by Mr. BROSIUS to the House of Representatives, and to which I referred a moment ago, some of the authorities are cited.

I will not take the time now to read them, but, considering them now in that light, as an agency established by the Government for the purpose of facilitating our trade with other countries, you will find, in the enumeration of the powers this bank shall be invested with, that it has the power to handle exchange and to do a great many other things having relation to trade, whereby our trade will be facilitated and whereby it will be unnecessary hereafter, as has been the case heretofore, that we shall trade with those countries through the banks of London and elsewhere in Europe. It is in that general sense, and it is no other specific sense that I know of.

Mr. BACON. If the Senator will pardon me, of course no one disputes the fact that there is a constitutional power of Congress to regulate commerce between this country and foreign countries and also between the States, but the point I desire to ask the Senator to give me definite information upon is whether this bank is intended to exercise those governmental functions; whether it is intended that the Government of the United States shall delegate to these private parties the official functions of regulating commerce between this country and foreign countries and of regulating commerce between the States?

Mr. FORAKER. Oh, no.

Mr. BACON. The Senator will pardon me a moment. He says "no," I understand.

Mr. FORAKER. Certainly; I have said "no" all the time, as repeatedly as I have been asked. I say no in that specific sense, and I say it is an agency simply in the sense that it facilitates these transactions: that is all.

Mr. BACON. If it is intended that this shall be a governmental agency, it is a very serious question. If it is intended that this shall be a governmental agency in the performance of these very great functions, I say this measure ought to have very careful consideration. If it is merely the charter of a private institution for the purpose of carrying on commerce, it is one thing.

Mr. FORAKER. That is what it is. If the Senator from Georgia will allow me to say again, it is a private corporation intended to carry on the business which it is expressly authorized to carry on, and the constitutional warrant for it is found in the provision to which I have referred that ex necessitate it facilitates general commerce. It is not an agency of the Government in any such sense as the Senator speaks of, as I understand him.

Mr. BACON. Very well; we now come back to that point. I originally asked the Senator whether it was competent for Congress to charter a bank which was not intended to perform some governmental function. The Senator said it was not. The Senator said he did not think it was competent for Congress to charter a bank unless it was clothed with the power to perform governmental functions; in other words, that the general business of incorporating companies for private purposes is not a part of the business of Congress. When I ask as to what those particular governmental functions are, the learned Senator, as I understand, says that they are not governmental functions, but that they are the private business of a private corporation, in the performance of which the general business of the country will be advanced.

Mr. President, if the Senator will pardon me a moment. Of course I dislike to make any suggestions which may be unfriendly to the bill which has the support of the Senators who are evidently interested in its passage, but at the same time I think it is an extremely grave and important matter. I have been unable to appreciate any suggestion which has been made of the advantages which are to flow from this bank. I am unable to recognize the correctness of the suggestion made by the Senator in his opening remarks that this bank will have any power in foreign countries that a bank would not have if it were chartered by a State. I do not think it will have one.

Mr. FORAKER. If the Senator will allow me to correct him, I did not say this bank would have any more power in another State. Well, possibly I did say what amounted to that, too. What I meant to say was that no State, according to the provi-

sions of its constitution, where I happen to know anything about the State constitutions of the Union, has power to authorize a bank to go into the various States and transact banking business, much less to go into foreign countries and transact international banking business, as this bank is authorized to do.

I did not contend in that connection that this bank, because chartered by the National Government, would have by reason of that fact power, regardless of the wishes of foreign governments, to go into foreign countries and there transact business; but I say it is competent for the Congress of the United States, in the exercise of the constitutional power to which we have referred, to invest a bank with the power that this is to be invested with or to establish any other agency or facility for the transaction of this business with other countries which may, in a general way, have the effect of regulating, if you want to use that word, the commerce of this country with the other countries. It remains a private corporation engaged in private business, not a governmental agency in the particular sense in which you speak of it; and yet it is an agency established by the Government for the facilitating of that business and in that sense warranted by the Constitution, as I understand.

Mr. BACON. If it were necessary that the General Government should charter a bank in order that that bank might have power to exercise corporate functions in a foreign country, there would be a sound basis for the application for this charter. But such, Mr. President, is not the fact. Any independent sovereignty even within such limitations, as our States exercise such sovereignty, has the power to make a corporation. It has the power to give that corporation all powers not prohibited within its own borders, and it has the power also to authorize that corporation to go into a foreign jurisdiction. Of course, the exercise of those powers in the foreign jurisdiction must necessarily depend upon the consent of the foreign jurisdiction; but the State has the same power to clothe a corporation with corporate power that the General Government would have if it had no limitation upon the incorporating of companies.

The Senator says that no State, so far as he knows, has the power to clothe corporations with powers which could be exercised in a foreign State. It is done every day, Mr. President. I do not know how it is in the State of Ohio, because I have never had occasion to look into it, but the State of New Jersey (and I mention that simply because it is one of the most prominent States in the granting of charters) has flooded this country with corporations which have their home in New Jersey and which never intended to exercise any corporate functions in New Jersey, but which were designed to be exercised in other States. A very large proportion of the corporations which do business in New York are chartered in New Jersey, because New Jersey has peculiar facilities for the incorporation of such bodies corporate.

The general proposition is that a corporation chartered in one State is limited to the confines of that State, except so far as it has the power committed to it by another State. That was settled in the great case of Earle against the Bank of Augusta, in 13 Peters, where the whole question is discussed at length and very learnedly. I was about to say that that decision was by Chief Justice Marshall, and I believe it was, but I am not sure. However, it is the leading case on that question, and under it there can be no doubt about the proposition that a bank chartered in one

State can exercise in another State by consent of that State, every power enumerated in its charter, except so far as it relates to anything which is connected with the Government of the United States.

The PRESIDING OFFICER. The Senator from Ohio proposes an amendment to section 23 which has not been stated by the Secretary. The Secretary will state the amendment.

The SECRETARY. In section 23, page 25, line 1, after the word "That," it is proposed to strike out all of the bill down to and including the word "but," in line 4.

Mr. FORAKER. I withdraw that amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. FORAKER. Section 23 being reinstated, I now offer to amend it as follows: Strike out, in line 1 of section 23, the following words: "no tax shall be imposed upon;" strike out of line 2 the words "except upon real estate held by it;" and strike out in line 4 the word "but;" and then insert so as to make it read as follows:

SEC. 23. That the property of said corporation shall be subject to taxation by any State, municipal, or other authority having jurisdiction thereof within the United States the same as other like property, and the several stockholders shall be liable to assessment and taxation upon the shares held by them at their respective places of residence according to the true value thereof, and to the same extent and in the same manner as other personal property is there assessed and taxed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. PETTUS. Mr. President, I desire to suggest to the Senator from Ohio in charge of the bill that in all corporations of this sort chartered by the States or by the United States there has always been a limitation as to the amount of interest that might be charged by such corporation on their loans. I do not find anything of that kind in this charter.

Mr. FORAKER. There is nothing of that kind in this charter. No question of that kind was raised in the committee or considered by the committee, so far as I have knowledge. I do not know why it was not considered, but I assume that the reason for not undertaking to fix a rate of interest is that this bank is to do business in foreign countries where the conditions may be very different from those existing here and that a rate of interest which we might fix might not be satisfactory there.

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June 14, 1898.

Mr. FORAKER. Mr. President, before answering directly what the Senator from Alabama has just said, I wish briefly to make answer to a proposition advanced by him when the bill was under consideration yesterday.

He complained at that time of the provisions of this bill because the bill in its state at the time when he made the objection did not provide for the taxation of the shares to be issued by this bank; and in that connection he contended that without special authority being given in the act, the shares of this bank in the hands of the owners and holders of them could not be taxed by the local authorities. I stated at the time that I did not agree with him as to that proposition. I did not, however, have the authorities before me; but in the absence of all authority, with an assurance equal to that which he has just now manifested and

with a confidence in his knowledge and ability which lacked nothing whatever, he told us that it had been decided over and over again that the shares of stock in a bank of this character could not be taxed by State authorities unless there was in the act creating the bank a provision granting permission to the State so to tax the shares.

Mr. PETTUS. Not in the act creating it.

Mr. FORAKER. Or otherwise; by some kind of Congressional enactment.

Mr. PETTUS. That is it.

Mr. FORAKER. Mr. President, instead of the law having been settled as claimed by the Senator from Alabama, it has always, from the beginning of our Government, been held by our Supreme Court, in every instance in which it has rendered judgment upon such a question, that the property of a governmental agency, when the agency is conceded or established, is taxable by the States as other property and that only the franchise to exist or the operation itself of the governmental agency could not be taxed by the State.

It was not necessary, in my judgment, that the Congress should have expressly provided that the shares of national banks in the hands of holders might be taxable in the States. I think they were taxable without that, and that the provision was put into that statute only in order that there might be no room for doubt or question about their being taxable. In the case of *McCulloch vs. The State of Maryland*, reported in 4 Wheaton, page 316, the Supreme Court say:

The States have no power, by taxation or otherwise, to retard, impede, burden, or in any manner control the operations of the constitutional laws enacted by Congress to carry into effect the powers vested in the National Government.

This principle does not extend to a tax paid by the real property of the Bank of the United States, in common with the other real property in a particular State, nor to a tax imposed on the proprietary interest which the citizens of that State may hold in this institution, in common with other property of the same description throughout the State.

In the opinion of the court the proposition stated in the syllabus as I have just read it is elaborated. The Supreme Court there say it is not prohibited to the States to tax the property of such agencies or corporations in the States, and that there is no limitation upon the power of the State in that regard except only when the State undertakes to interfere with the operation of the agency and render a nullity that which the National Government has established for the purpose of accomplishing some particular object.

In Mr. Cooley's work on Taxation, page 85, occurs the following, in discussing this question:

And a State may tax the property of Federal agencies with other property in the State, and as other property is taxed, when no law of Congress forbids, and when the effect of the taxation will not be to defeat or hinder the operations of the National Government.

In 18 Wallace, page 5, is reported the case of the Railroad Company *vs.* Peniston. I read briefly from this case. It is a recent decision of our Supreme Court, or comparatively so, rendered in 1873, and never questioned by that or any other court either before its rendition or since. The first paragraph of the syllabus reads as follows:

The exemption of agencies of the Federal Government from taxation by the States is dependent, not upon the nature of the agents, nor upon the mode of their constitution, nor upon the fact that they are agents, but upon

the effect of the tax: that is, upon the question whether the tax does in truth deprive them of power to serve the Government as they were intended to serve it, or hinder the efficient exercise of their power. A tax upon their property merely, having no such necessary effect, and leaving them free to discharge the duties they have undertaken to perform, may be rightfully laid by the States. A tax upon their operations, being a direct obstruction to the exercise of Federal powers, may not be.

I wish now briefly to read from the decision itself, which was rendered by Mr. Justice Strong. I read first from page 30:

There are, we admit, certain subjects of taxation which are withdrawn from the power of the States, not by any direct or express provision of the Federal Constitution, but by what may be regarded as its necessary implications. They grow out of our complex system of government, and out of the fact that the authority of the National Government is legitimately exercised within the States. While it is true that Government can not exercise its power of taxation so as to destroy the State governments, or embarrass their lawful action, it is equally true that the States may not levy taxes the direct effect of which shall be to hinder the exercise of any powers which belong to the National Government. The Constitution contemplates that none of those powers may be restrained by State legislation. But it is often a difficult question whether a tax imposed by a State does in fact invade the domain of the General Government, or interfere with its operations to such an extent, or in such a manner, as to render it unwarranted. It can not be that a State tax which remotely affects the efficient exercise of a Federal power is for that reason alone inhibited by the Constitution.

There is a great deal more in this opinion to the same effect. I commend it to the consideration of the Senator from Alabama. After referring to the case of *McCulloch vs. The State of Maryland*, the opinion proceeds:

But when the question is, as in the present case—

The case then before the court—

whether the taxation of property is taxation of means, instruments, or agencies by which the United States carries out its powers, it is impossible to see how it can be pertinent to inquire whence the property originated or from whom its present owners obtained it.

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But an examination of what was decided in those cases will reveal that they are in full harmony with the doctrine that the property of an agent of the General Government may be subjected to State taxation.

That is as far as I care to read.

Mr. PETTUS. I will ask the Senator if he did not break the paragraph in two?

Mr. FORAKER. No, sir; I did not break any paragraph in two. I was about to read another paragraph, but seeing that I could not read it and make it intelligible without reading another preceding it, which had reference to another case, I concluded that I would not take the time to go back and read both of them.

But I wish to state that according to the authorities which I have read, and according to all authorities, for there is not a decision that the Senator from Alabama can cite to the contrary, it is competent for the States to tax the property of an agency of the General Government when they tax it only as other property is taxed, and the only thing that the States are prohibited from taxing when they come to taxing governmental agencies is the franchise, the existence, or the operation of the agency. The National Government will not allow a State to interfere with or impede or retard or pursue or hinder or bring to naught the operations of an agency which it has set up for the purpose of consummating some particular object. But there is nowhere any decision that holds that because a corporation created by the National Government may have some kind of function or agency with respect to the Government, its property shall be exempt, or the stock that may be issued by the corporation shall be exempt, from taxa-

tion in the hands of the citizens who are the owners and holders of the same in the several States.

Therefore the committee were not in error when they took the view of that matter which they did take, and their purpose in setting forth that the stock should be taxed in the hands of the owners and holders was simply, as was the case with respect to the national banks, to remove beyond all question the proposition that such stock was taxable in the hands of the owners and holders. And hence when the whole section went out upon motion of the Senator from Colorado, no right of taxation was taken away from the States, and especially there is not any "brigand behind the bush," as the Senator from Alabama seems to think there is with respect to everything here to which he takes exception.

The Senator from Georgia [Mr. BACON] asked some questions yesterday which I was not prepared upon authority to answer at the time, although I answered him upon reason and principle as well as I could, and I find upon consulting the authorities that he was at the time answered correctly. The Senator asked, in the course of the colloquy which was proceeding here in the Chamber, whether or not this incorporated company which we are proposing to create was to be an agency of the Government. When he was answered in the way in which he was answered, namely, that while it was not created to carry out any specific purpose that was expressed in the act, yet it was an agency of the Government in the sense that it was intended to promote the commerce of this country with other countries and was therefore warranted by the constitutional provision which gives to Congress the right to regulate commerce with foreign nations, he asked us to lay our hands on, or point our finger to, the provisions in the statute that expressed any such agency or any such national purpose, intimating that the general provision to which I called his attention, or the general purpose which I had pointed out, was not sufficient to meet the requirement, but that it would be necessary, in order that this should be brought within the purview of the constitutional provision, to put into the bill a designation or a definite express description of what we were to do in that behalf.

I have before me the 135 United States, and I read from page 657 the case of the Cherokee Nation *vs.* Kansas Railway Company. The court says:

Congress has power to regulate commerce, not only with foreign nations and among the several States, but with the Indian tribes. It is not necessary that an act of Congress should express, in words, the purpose for which it was passed. The court will determine for itself whether the means employed by Congress have any relation to the powers granted by the Constitution.

They go on to say that the railroad which was there empowered by Congress to do certain things, although incorporated by a State, and not incorporated by the National Government, was yet an agency which might be employed as such by the National Government in connection with the regulation of commerce, and that it was a sufficient regulation of commerce to promote commerce between that Territory and the States adjoining it through which the railroad passed. Just so it is here, saying to-day upon express authority, as we said yesterday upon general principle, that it is insufficient to bring the proposed international bank within the purview of this constitutional provision, for us to point out that in the general way in which we have claimed for it it is an agency of the Government, employed by it in the regulation of commerce with foreign nations and among the States, for it is to do business

among the States and with foreign nations, and it is sufficient to demonstrate that it is employed in the regulation of commerce to show that it deals with instruments of commerce, bills of exchange, etc., in a way that is calculated to promote commerce and to extend our trade relations, and in that way to benefit the people of the United States.

I might cite a great many other authorities to the same effect, but I will not take the time to do it. However, there is one other to which I wish to call attention, and that is a decision in 91 United States, page 280, where the court defines what commerce is. It is the case of *Welton vs. The State of Missouri*. The court say:

Commerce is a term of the largest import. It comprehends intercourse for the purposes of trade in any and all its forms, including the transportation, purchase, sale, and exchange of commodities between the citizens of our country and the citizens or subjects of other countries, and between the citizens of different States. The power to regulate it embraces all the instruments by which such commerce may be conducted.

So they go on to the same effect. I have read enough for the purpose I have in view. I want to show that the term "commerce" as employed in the Constitution is not confined, when properly interpreted, to mere bargaining, to mere buying and selling, to exporting and importing, but that it relates to all the business transactions which the people of this country may have with another country. It is a broad term, practically without any limitation at all, except only as there is, in the nature of things, a limitation upon the general powers of man to have transactions.

Not only is the term "commerce" broad enough to cover all transactions, but it has been time and again expressly held, as held there, that it covers not only the general transactions, but each and every instrumentality that may be employed in the consummation of transactions, and therefore it is competent for us in legislating with respect to the regulation of commerce to legislate in such a way as to affect the giving of promissory notes and bills of exchange and drafts and all the other kinds of paper instruments that are employed by mankind in the transaction of their business one with another.

This bank is designed to do that very thing. The bank is therefore a corporation created by the National Government, created by the Congress of the United States in the exercise of its power to regulate commerce among the States and with foreign nations, and it is regulating commerce when it provides a means for the giving of exchange and all the other commercial and negotiable instruments that are mentioned and described in these sections which have been so fully commented upon by the Senator from Alabama.

I need not pursue that further, and I am loath to feel that there is any necessity for me to say anything more than I have already said. But the remarks of the Senator from Alabama [Mr. PETTUS] would seem to call for some kind of an answer as to the merits of the measure, conceding that, in a general way, it is appropriate legislation.

This bill has been very severely arraigned by the Senator from Alabama. Let me say that I do not share at all with the Senator from Alabama in the apprehension he has because of aggregations of capital such as are provided for by this measure. Aggregations of capital are sometimes abused. They are often made the agencies and instrumentalities of wrong, and there are noted instances of that kind, some of which the Senator from Alabama has

referred to. But, Mr. President, on the other hand, aggregations of capital are essential in the transaction of the world's business, and surely essential in the transaction of a financial business of the character necessary to be transacted in our international affairs and concerns.

Why is it that the United States is at such a great disadvantage in our international commerce with the South American States and Republics? It is chiefly, or at least largely, due to the fact that in England and in other countries they have larger aggregations of capital by far employed in the business of international banking than the aggregation of capital here suggested. I believe in England alone the capital embarked in international banking enterprises amounts to \$200,000,000. We have no capital at all so employed, and because we have no capital so employed when our merchants in the United States want to transact business with the other countries they must transact it, so far as the financial features of the transaction are concerned, through great business houses abroad. One of the purposes of this measure is to relieve us from that disadvantage.

Mr. BACON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. FORAKER. Certainly.

Mr. BACON. With the permission of the Senator, I rose to ask him, as he regards these aggregations of capital as advantageous, if he does not think, should there be an incorporation of this kind, that opportunity ought to be given for any other parties who desire to associate themselves together in a similar way to avail themselves of the provisions of the bill?

Mr. FORAKER. Yes, I do; and in committee I advocated the idea of making this a general law, under which all could become incorporated and engage in this business who might so desire. I have no objection to that. I would be glad to see the bill so amended, but it was the opinion of the committee, and I say it for the benefit of the Senator from Georgia, as the bill was necessarily somewhat experimental, that it was sufficient for the present to grant this particular charter, the only one that has been asked for. They did not know of anybody else who wanted to embark in this business. If it proved a successful venture, others could apply, and no doubt would apply, and if Congress found it to promote the best interests of the country to grant further charters, Congress will have the power to do so. There is nothing exclusive here: there is no monopoly here. Why do Senators talk about a monopoly? Why do Senators talk about a trust? Is not the opportunity free to all the people of the United States to come to Congress and get the same franchise these people are applying for?

Mr. BACON. Does not the Senator suppose, however, that if these great powers are given to this corporation, hereafter not the Senator, but this corporation, would be inimical to the granting of a similar charter to others?

Mr. FORAKER. I do not know whether it would be or not. I do not know why it should be. But whether it would be or not, Congress stands here the arbiter between all who might be interested.

Mr. BACON. I will state the object I had in view in asking the question. I do not think it good policy to grant these powers, but if they are to be granted at all, I think they ought to be free to all parties who desire to avail themselves of them, and I simply

desired to know whether the Senator would be willing to accept an amendment of that kind to the bill.

Mr. FORAKER. If the Senator from Georgia had been upon the Committee on Foreign Relations there would have been one more vote in favor of that proposition. The proposition, although I favored it, was not adopted there. Whenever others come forward who are worthy of such recognition, who can show that they have the necessary responsibility, character, and ability, I am willing to say that there should be a charter granted to them.

Mr. HAWLEY. I favor this bill, I am aiming to favor it, but I wish to ask the Senator from Ohio a question.

Mr. FORAKER. Certainly.

Mr. HAWLEY. Is there any real difference in principle between this international bank and the International Navigation Company, which deals in steamboats and passengers and all that sort of thing? Why should there not be an international bank to take care of the financial relations of this great people?

Mr. FORAKER. I have never examined the charter of the International Navigation Company, and can not for that reason answer the Senator from Connecticut as he should be answered, but I take it, from all I know about it in a general way, that if it be proper and if it be good policy to grant such a charter as the International Navigation Company has received, upon the same general principles and for the same general reasons there ought to be a grant of this charter to this bank, in order that the financial transactions between this country and other countries that it is proposed to deal with and in may be taken care of and properly attended to.

I was saying when interrupted by the Senator from Georgia that I do not share the apprehension which has been expressed by the Senator from Alabama as to what will result if we grant a charter authorizing a bank with \$5,000,000 capital. I had just pointed out that the international banks of London have a capital, as I have been informed, of \$200,000,000, and no disadvantage has resulted in that country to the people of that country on that account, but a great deal of disadvantage has resulted to the people of this country.

You can not enter into competition successfully with a competitor of the character we have to meet in England, armed with such facilities as they have armed their banks with, unless you give a franchise such as is asked for here. A corporation created for this purpose can not subserve its purpose unless it can be sufficiently strong financially to go into the markets of those countries and there compete with the rivals they have in this business. And it is simply a question whether the United States, with respect to this matter and other matters, proposes now to move forward and keep abreast with the march of events or stand still and mark time, and thus stay in the rear and abide by the notions that prevailed in the years that have gone by.

We have come to a time, Mr. President, when there is ahead of the people of the United States great opportunities. We are, by the force of events that we can not control or prevent if we would, driven to consider our relations to the rest of the world. One of the great necessities of the present time is for the United States to extend our trade relations with the rest of the world and find markets for our surplus products in other countries, and coincident with this necessity is the situation that the war in which we are engaged has precipitated. Of necessity we are driven to think of

our relations in other countries and of trades with other countries, and when we stop to consider what are the necessities of successful commercial enterprise there, we find, among other necessities, that for proper banking facilities. We do not have them, and thus are at a disadvantage.

This bill is intended to promote in part our interests in that respect. But you can not promote our interests and fully meet the requirements of the case unless the United States Government (at least that is the opinion of the committee) shall create a corporation of this character and shall invest it with all the powers necessary to a successful business, and authorize it, among other things, to have a capital sufficiently large to engage in the business that it is designed to engage in.

Now, the Senator from Alabama has talked about this as a monster. I do not wish to employ language of the character he has seen fit to employ; I do not wish to be personal; but I want to say to the Senator from Alabama that epithets and adjectives do not constitute merit in argument. If the bill be a monster, an examination of its provisions will show that it is such; and if it be not a monster, an examination of the provisions of the bill will show that the Senator has spoken either thoughtlessly or unjustly. In any event, he has spoken without any authority whatsoever. He has passed in review the powers that are conferred upon this corporation and has spoken of them as being so far in excess of the powers conferred upon national banks that it is enough to create astonishment simply to compare the one institution with the other. I have here the national banking law, and I want to read, in order that it may go into the RECORD along with the remarks of the Senator from Alabama in that particular, the powers that are conferred by Congress by that statute upon national banks.

First, the Senator comments most severely upon the fact that the bill does not contain any provisions prescribing the maximum rate of interest that may be charged, and he called me to account in terms that I thought were hardly justified for having answered his interrogatory in regard to that yesterday with a statement that I was not acquainted with the reason why the committee had not seen fit to put such a provision in the bill, except only as it occurred to me upon reason that they did not deem it necessary to undertake to prescribe a rate of interest for transactions that were to be carried on in all the various countries here enumerated, conditions varying as they do.

The Senator from Alabama says that this is the first law creating a bank which has not prescribed a rate of interest and fixed what the rate of interest shall be. Mr. President, the bill provides that the principal office of this bank shall be either in the city of Washington or in the city of New York, and that it shall have eight branch offices scattered throughout this country at points to be determined upon by the board of directors and approved by the Comptroller of the Currency. And it is to have eight branch offices in other countries—one in the West Indies, one in Mexico, and the others in Central and South American States at such points as may be determined upon by the board of directors and be approved by the Comptroller of the Currency.

Nobody yet knows exactly where those branch offices will be located, but we all do know that they will be located in some one of the States or Territories referred to, and we all do know that wherever located they will be subject to the laws there in force.

A bank doing business in the District of Columbia will be governed by the laws of the District of Columbia with respect to all matters concerning which the charter does not make mention. I think that is a proposition nobody will take issue with. If the statute be silent on the subject of interest and the principal office be established here or in the city of New York, the laws governing and fixing the rate of interest here or in New York, according as the principal office may be located at one place or the other, will fix the rate of interest which may be there charged. So, too, if you locate one in the State of the Senator from Georgia, will not the law of the State of Georgia—this law being silent on the subject—regulate the rate of interest there charged? I suppose that it will. If this bank shall go into the Republic of Mexico and seek to secure by convention a right to do business there, as is contemplated, it will be required, no doubt, to conform to the laws of the Republic of Mexico with respect to the interest that it may charge upon its loans.

But, Mr. President, if there be any doubt about that in the minds of lawyers—I have not any doubt myself—

Mr. BACON. I am very frank to say to the Senator that I think that proposition is correct.

Mr. FORAKER. If it be correct, then the Senator from Georgia will agree with me that a rate of interest will be found to have been fixed if there be nothing said about it. But what I was going to say is, if there be any doubt about it, I have no objection to a provision similar to that found in the national banking act being incorporated here. I turn to the national banking law, which evidently the Senator from Alabama had not read when he made that statement. I find it there provided, as it occurred to me it was when he referred to it, that the rate of interest to be charged by a national bank shall not be a rate named by the statute creating and authorizing the bank, but the rate authorized by the laws of the State or Territory in which the particular bank is located and doing business.

In the State of Ohio they may charge not higher than 8 per cent, because that is all that may be charged by banks authorized by the State of Ohio, and in the absence of any express contract they will be allowed 6 per cent. So the rate will vary according to the localities in which the business may be carried on. Therefore, Mr. President, this bill is not open to valid objection, especially when the national banking act is taken as a criterion, on the ground that there is no fixed rate of interest provided for in it.

Now, let us look at some of the other objections made. But first let me read the enumeration of the powers of national banks as found in the national banking act. It will be found, as I read them, that the powers conferred upon national banks by the act are, with a single exception, that banks are not by the act made trustees or authorized to become such, quite as extensive as those that are conferred upon the international bank. In the first place, they have power to use a seal and a corporate name, etc., and by such name they may make contracts. We heard quite an outburst of indignation from the Senator from Alabama as he read that this international bank should have power to contract. Did any sovereignty ever create a corporation without conferring that power? Certainly not. That is the first power conferred by Congress upon national banks, the power to contract, and it is a power conferred without any limitation whatsoever, a simple,

naked power to make contracts quite as strong, quite as unqualified, as the power that is conferred by this proposed legislation.

It may make contracts, sue and be sued, complain and defend, in any court of law and equity as fully as natural persons; it may elect or appoint directors, and by its board of directors appoint a president, vice-president, cashier, and other officers, define their duties, require bonds of them and fix the penalty thereof, dismiss said officers or any of them at pleasure, and appoint others to fill their places, and exercise under this act all such incidental powers as shall be necessary to carry on the business of banking by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits—

But before I read further let me answer. The Senator arraigns this bill very severely because it confers upon this proposed bank all the incidental powers necessary to enable it to carry out the business which it was authorized to do.

Mr. PETTUS. I made no comment on it. I said it gave that power.

Mr. FORAKER. The RECORD will show that to which I refer. I sat near the Senator and I distinctly heard him say that the main objection, the greatest power, was one that had been conferred in a back-handed way.

Mr. PETTUS. That was the power to buy up all other banks.

Mr. FORAKER. Then I misunderstood the Senator. It is all in the same section, and in that same connection he spoke of the incidental powers. Then I am to understand the Senator from Alabama as not objecting, I suppose, to the conferrence of incidental powers, if the bank is to be created at all, such as are necessary to carry out its purposes?

Mr. PETTUS. Of course I have no objection to that.

Mr. FORAKER. We understood you—I did, and I think other Senators did—to object to the conferring of incidental powers. I will come to the other point presently.

The incidental powers were conferred upon the national banks, and they enjoy them “and exercise under this act all such incidental powers as shall be necessary to carry on the business of banking by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt.”

Now, “by receiving deposits, by buying and selling exchange, coin, and bullion,” and so on.

One of the objections urged against this bank was that it was allowed to receive deposits without any limitation. I do not suppose any bank was ever limited as to the amount of deposits it should receive. But if so, that is an objection which might be made to the charter of the national banks, for that power is conferred upon the national banks without any limitation, and properly so. Why should not a bank be allowed to receive all the money that the patrons of the bank may see fit to confide to it for safe-keeping? It seems to me that one could not speak as the Senator from Alabama has spoken with respect to this matter unless he was without an adequate and appropriate appreciation of the place among the business institutions of this country that the banks necessarily fill. I want to read all the rest of the provision:

By loaning money on personal security; by obtaining, issuing, and circulating notes according to the provisions of this act; and its board of directors shall also have power to define and regulate, by by-laws, not inconsistent with the provisions of this act, the manner in which its stock shall be transferred, its directors elected or appointed, its officers appointed, its property transferred, its general business conducted, and all the privileges granted by this act to associations organized under it shall be exercised and enjoyed; and its usual business shall be transacted at an office or banking house located in the place specified in its organization certificate.

In other words, we find in reading the enumerated powers of the national banks that, with the single exception I have indicated, they are practically the same as are the powers conferred by this bill upon this proposed international bank, and the fact is that the powers conferred upon the international bank were put into this bill with a copy of the powers conferred upon the national banks before the man who drafted it.

This provision was taken from that. There were some changes in phraseology, but no change in spirit, and there was no extension of the power to the corporation except only that upon which I have commented, and this other power that I now come to speak of, the great power which was put in in a left-handed or back-handed way, as the Senator told us, the power to purchase and hold shares of the capital stock of any foreign corporation authorized to transact banking business in foreign countries. That, we are told, means that this international bank, with a \$5,000,000 capital, or with its \$25,000,000, if in the course of time it should come to be increased to that amount, is to buy up all the banks in the whole world. Mr. President, such a statement as that or such a suggestion as that it seems to me does injustice to the Senator from Alabama. He certainly could not have thought—

Mr. PETTUS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. FORAKER. Certainly.

Mr. PETTUS. Does not the bill give the bank that power?

Mr. FORAKER. The bill gives to the bank the power to own shares in foreign banks.

Mr. PETTUS. In all of the banks?

Mr. FORAKER. In foreign countries. It can not buy any shares in any bank in this country. The purpose of that must be manifest to every man who ever did transact any business, to every man who ever lived in the commercial world and had any relation to it. When this bank goes with its branch agency down into Mexico or into Venezuela or Argentina or to Chile it must at once, or it will so desire at least, engage in business. It may become essential to its success there that it shall buy some of the shares of some bank or all the shares of some bank that is already there. We want this bank not only to be, to exist, but we want it to be successful. We want it to have all the authority necessary to make its business successful when they may carry it on in foreign countries. They will have enough disadvantages to contend with. It seems to me that that is not an unreasonable provision, and that it is a ridiculous and absurd suggestion that because it has that power, manifestly an appropriate one for it to have under the circumstances, it will go up and down throughout the world outside the United States and outside of Alabama buying the stock in all the banks that can be found, right and left, here and there, and everywhere.

Mr. PETTUS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. FORAKER. Yes, sir.

Mr. PETTUS. The Senator from Ohio has the right to criticise, but he ought not to misrepresent me.

Mr. FORAKER. I do not want to misrepresent the Senator from Alabama; and if he will state wherein I have misrepresented him, I will gladly make the correction.

Mr. PETTUS. I will. The Senator represented me as saying that the bank would do that. I made no such representation. I represented that you gave them the power to do it. That is all I represented.

Mr. FORAKER. Yes, and you have the power yourself to do it, so far as free agency is concerned; but I do not believe that it would be possible for you to do it, or desirable for you to do it, or that you would undertake to do it. In regard to this, as to all other things, we must not lose our reason. We must look at the situation as it practically exists. The Senator is not going to buy up all the stock of all the banks of the world. He would not, because he does not want that stock. He has such a horror of aggregated capital that he would not have that stock if they would give it to him, and I suppose he could not buy it if he wanted to for the lack of funds; and for the same reason that he would not buy it neither would the international American bank to be incorporated under this statute which we are about to enact, as I hope we will enact it, go and buy up all the stock of all the other banks in all the other countries of the world. It would engage in the business it is authorized to do; and what would it want with stock in a bank in Germany, or stock in a bank in Austria, or stock in a bank in Spain, or stock in a bank in France, or in any other country in the world, except where it was engaged in the business we authorize? It is likely to want—and it is because it is likely to want it that we have so provided here—stock in the banks of countries where it may locate its agencies to transact its business, and because it is likely to want that stock it ought to have the power. It is not going to acquire stock unless it will be to its advantage to acquire it.

Mr. President, there will not be any increase of the capital stock of this bank, unless there is a need for extended banking facilities—unless the business demands it. The men who engage in the banking business do not needlessly, nor for the sake of tyrannizing over somebody, put their money into an enterprise like this. The names of the men who are recited as incorporators in this bill ought to be a guaranty not only that they are in serious earnest, but that they are men of uprightness of character; men who want to do a legitimate business; men who will try to make their enterprise a business success, of course, but men who will not undertake to deprive anybody of any of his rights under the law, or aid in the supposed endeavors that were referred to by the Senator from Alabama, to send this country on the road that Rome went, to the overthrow and destruction of the Republic. Such talk as that, Mr. President, seems to me to be without any warrant whatever or without any excuse whatever.

Another complaint was—and I speak of these matters simply because they were relied upon by the Senator from Alabama—that the term for which this franchise is granted was changed, as shown by the committee's amendment, from twenty to fifty years. That was due simply to the fact, which I think every business man can appreciate, that twenty years, although a long time in some respects, is not a long time in the life of a corporation, not a long time when it comes to an investment of money, not a long time when it comes to the building up of an enterprise that is to be scattered over this country by these branches as here proposed and scattered over other countries as here proposed. This enterprise could hardly be successfully launched until half the period

of the franchise, if it were only twenty years, would have expired. No business man who has money to invest would care to invest his money in the risk and hazards of such an enterprise if almost as soon as they got over the difficulties of starting they would be obliged to apply for another franchise, when possibly they would find a majority of the Senate in accord with the views of the Senator from Alabama, and thus be denied all recognition and reasonable consideration, even to the right to longer live.

Another objection was that this bill provides for an unlimited number of branch agencies in this country, to be created eight at a time. I am not going to stop to comment upon that. I simply ask Senators to read the bill, and they will see the language in the bill is that the bank may establish agencies, but it never shall have more than eight in existence at any one time, not that they shall establish eight to-day and eight to-morrow and eight next year and eight some other time.

Another objection was that we were required to keep, as I understood the Senator—I hope I may have his attention here, because, as I said a while ago, I do not want to misrepresent him—I understood him to say that the reserve was limited to 25 per cent of the capital stock. If I am in error about that, I hope he will correct me. The Senator made that statement while commenting upon the eighth clause of section 7, which contains a provision "to loan money on personal security, subject to the limits hereinafter imposed, and to borrow money," and so forth, and so on.

The reserve, Mr. President, is not 25 per cent of its capital stock, but 25 per cent of its deposits, whatever they may be, and that, as I stated yesterday in the colloquy that here ensued, has been held by those engaged in the banking business, who have no interest whatever in this proposed bank, to have been proven by experience to be a sufficient reserve.

I do not wish to detain the Senate longer. I only want to say, in conclusion, that the Committee on Foreign Relations have given to this bill their most careful consideration. They examined all the questions that were brought to their attention in regard to it—the legal questions, the question of policy, the question of trade, the question of the results likely to flow from it. They took everything into the most careful consideration, and then, by a unanimous vote, reported the bill with the amendments as shown when the bill was brought under consideration yesterday.

We believed it to be a good measure: we believed that this country ought to establish an international American bank. There was a difference of opinion in the committee as to whether this bank should be authorized to do business alone in the Western Hemisphere, or whether it should be authorized to do business also in the Orient, in China, in Japan, and in other countries. I was of the opinion that it ought to be without limitation in that respect, for I do not know any reason why, if we are to have an international bank for the purpose of facilitating exchanges and promoting our international commercial relations, it should be limited in any respect whatever as to the field of its operations. It will not go where there is not a necessity for it, and wherever there is a necessity for it, there it ought to go.

I hope, Mr. President, I have not passed over any of the objections of the Senator from Alabama which give any concern to anyone. I have tried to answer all of them as well as I might be able

to, and I believe I have answered all of them; at least a reference to my notes does not suggest any other points than those I have already commented upon.

* * * * *
 Mr. FORAKER. Will the Senator from Georgia allow me to interrupt him?

Mr. BACON. Certainly.

Mr. FORAKER. I do not think the Senator from Georgia could have been in the Chamber when in the course of my remarks a few minutes ago I dwelt upon the point made by him yesterday when I was asked to designate the express provision in the proposed statute that clothes this bank with a governmental function. I read an authority, a decision of our Supreme Court, to the effect that it is not necessary to express in a statute the governmental function which the statute is designed to authorize the agency created by the Government to perform; that it is for the court to determine whether or not the corporation, by the exercise of the power conferred, does in fact do anything that can be construed or justly held by the court to be in the nature of a regulation of commerce. I do not think the Senator could have heard the decision.

In that connection I pointed out that the proposed statute does, as decided in other cases to which I called attention, regulate and deal with commerce in the sense that negotiable instruments, drafts, and bills of exchange are instrumentalities, to use the language of the Supreme Court of the United States, necessary in the consummation of these transactions which our people are having with the people of other countries, and anything that relates to these instrumentalities is in the nature of a regulation of commerce. Of course it is only in that sense—it has never been claimed in any other—that this is an agency created by the Government to aid in the regulation of commerce among the States and with foreign countries.

Mr. BACON. I understand. I did hear the Senator from Ohio state that proposition, and I heard him read an authority upon it. I understand the proposition of the Senator to be this, then, that the fact that a bank is clothed with the power to issue bills of exchange and other instrumentalities by which commerce is carried on between different countries clothes it with such a governmental function in the regulation of commerce as puts it within the jurisdiction of Congress to charter such an institution. If that proposition is correct—

Mr. FORAKER. The bank is required to make provision for the issuing of bills of exchange and for all these branches that are to be established in other countries. The bank is required to do those things which are essential to the facilitating of our business.

Mr. BACON. If that proposition is true, then it is true that in all cases Congress has the constitutional power to charter banks, because all banks deal in those things which create these agencies by which interstate and foreign commerce is carried on.

Mr. FORAKER. If the Senator will pardon me, all banks do not have the authority, as I undertook to say yesterday, to establish, by reason of the powers conferred upon them in their charter, branches in other States than those States in which they are chartered, and especially are they without power to establish branches and conduct business in other countries; and the Congress is the only body in all this country—I mean there is no State

legislature with such authority—which has authority to confer any such power upon any incorporated company.

Mr. BACON. I utterly deny the proposition that this Government can confer upon a corporation any greater powers to be exercised beyond the borders of this jurisdiction than the State can confer upon a corporation, and I read from a decision which I cited yesterday from memory. I now have it before me.

Mr. FORAKER. I did not mean to state the proposition exactly as the Senator from Georgia has stated it. If he will allow me to interrupt him, I did not mean to say that a corporation created by a State, for instance, could not, by the comity of another State, go into that State and there transact the same kind of business that it was authorized to transact at home. But I do not believe, for instance, that a bank chartered by the State of Georgia could, within the contemplation of that charter, legitimately go into the State of Kentucky and there establish and carry on a banking business, unless the Senator has something in his constitution and laws governing the granting of general charters very different from what we have in our State.

Mr. BACON. I understand the Senator, then, to state as a general proposition that a bank chartered in one State can not do business in another State, unless that bank is specifically authorized in its charter so to do, and that when so authorized it can do it.

Mr. FORAKER. I do not say at all that they can not transact any business. Of course, if they loaned money to a man who would go off into another State and refuse to pay it, they could follow him there and sue him. They could transact such business as might be necessary to carry on their business in that respect; but I mean to say that it is not within the contemplation of the charter, at least ordinarily, that they should establish a bank in the State where they are chartered and another bank in each of the other forty-four States.

Mr. BACON. Agencies in the other States?

Mr. FORAKER. I mean banks. They may have an agent possibly in some particular case for some particular business, but what I say is this: Take my own State, for illustration, for I know what the constitution and laws are in that particular and generally. I do not believe that a State bank chartered to do business in the State of Ohio could, in addition to establishing its banking house and conducting its business within that State, go also into each and every other State in the Union by virtue of the power conferred upon it by its charter from Ohio, and in each and every other State establish a bank and conduct business as though there incorporated. Of course they would have to do it by comity if at all. But even in that way I think it would be ultra vires to go and do business in that manner.

Mr. BACON. When the Senator speaks about going into another State and establishing a bank, I do not suppose he means what he says. If when he says "establish a bank" he means establish an independent bank, a bank complete of itself, that can only be done by the authority of the jurisdiction in which it is proposed to set it up.

Mr. FORAKER. Ah, but—

Mr. BACON. If the Senator will pardon me a moment, does the Senator understand that this bill authorizes not only the establishment of a bank in the District of Columbia, but that under

this charter an independent bank can be established in every other State?

Mr. FORAKER. Not at all. I am talking about the supposititious case which the Senator put a while ago of a bank undertaking to do business in other States than the State in which it was chartered, and I am not talking about the actual case before us, which provides for one principal office and such number of branch banks as may be established, all belonging to the same corporation.

Mr. BACON. Nobody that I know of ever suggested any other expansion of a parent bank except in the way last indicated by the Senator.

Mr. FORAKER. I can put it plain enough so that there certainly can not be any difference as to the facts we are talking about. I do not believe, for instance, that a bank chartered under the law of Minnesota, authorized by the charter of that State to carry on the banking business in that State, could also, in addition to having its bank there, go to the city of New York and there engage in the banking business, keeping a banking house there and conducting a banking business. I may be in error about it, but I do not believe that any corporate authority to do that would be conferred by the charter granted by the State, at least not under our constitution.

Mr. BACON. I have great respect for the Senator from Ohio, but he is certainly mistaken in that proposition. That question was settled in the case which I cited from memory yesterday and which I now hold in my hand, that of the Bank of Augusta against Earle, in 15 Peters, in which there is a very learned and elaborate discussion of the question of extraterritorial powers upon the part of a bank, in an opinion delivered in behalf of the court by Chief Justice Marshall, and in which the doctrine is clearly laid down that while it is true that a corporation is limited in its powers to the jurisdiction of the authority by which it is created, it nevertheless can, with the consent, express or implied, of other jurisdictions, exercise in those jurisdictions all the corporate powers which are granted to it by the parent from which it derives its being, of course subject to the limitation that there must be no power exercised in that foreign jurisdiction conflicting with the law in that jurisdiction.

Mr. FORAKER. In other words, if the Senator will allow me, as I understand that decision (it is one with which every lawyer is familiar), the consent granted to the bank to do business in a foreign jurisdiction was held to be the equivalent of a charter from that jurisdiction upon those terms.

Mr. BACON. Of course.

Mr. FORAKER. That makes a wholly different case from that which we have been talking about.

Mr. BACON. No, it is exactly what I have been saying all the time; but the Senator has been putting a case which did not exist. When he spoke about there being an independent bank as a branch of the original bank, of course it must be a branch and nothing else.

Mr. FORAKER. But, if the Senator will allow me, the point I make is that it does not get the power to go into the other State by the charter from the State in which it is incorporated, but by comity, which, when consent is granted, is the equivalent of a new charter granted by the State without regard to the other.

Mr. BACON. It is not the equivalent of a new charter. It is

true it gets the right to exercise those powers by the consent of the State in which it exercises them, but the fact that it has the power is due to the charter granted to it by the parent from which it derived its being. There can be no possible doubt about that question.

The point I am coming to is this: If there is to be the grant of this charter, there ought to be a good reason for it. If it be true that it was not within the original design that the Federal Government should engage in the granting of corporate powers to companies, to be exercised outside of its immediate jurisdiction—outside of the District of Columbia and the Territories, I mean—then there ought to be apparent some reason for the exercise of such a power at this time as will show that it is necessary that it should be done, even if there is a doubt about the power, conceding for the purpose of argument that it is proper that it should be done. I want to analyze and see what is the necessity.

In the first place, I go back to the proposition which I was endeavoring to state when I got into the colloquy with the Senator from Ohio, that there is no possible power which the United States Government can confer upon this company to be exercised outside of the District of Columbia and the Territories of the United States that could not be conferred upon it by the State of New York, and I stand upon that as a legal proposition. I say it can not possibly be controverted that the State of New York has the power to confer upon a company chartered by it every power to be exercised either within the State of New York or outside of the State of New York, that the United States Government could confer upon a company chartered for that purpose.

Mr. FORAKER. I take issue with the Senator upon that proposition in this way: I say that the State of New York may charter a bank. I see there is some difference of opinion among the lawyers here who have expressed themselves in regard to this matter. My idea is that the State of New York has no power to authorize a bank to do a banking business outside of its territorial jurisdiction. It may go beyond the State and so engage by comity, if allowed to do so by the other States; but the National Government does have authority to incorporate a bank that can do business in the District of Columbia or in the State of New York or any other State, if it sees fit to do so.

Mr. BACON. Or in any foreign country?

Mr. FORAKER. No, sir; except by comity. Of course that is a matter of convention. But the Senator will remember that from the beginning my contention has been that there were two reasons why this bank should be incorporated by the National Government instead of by some State, one being that no State can give to a bank incorporated by its authority to go, without regarding the wishes of that other State, into another State in this country to do business. I claim that the National Government can give this bank that power, because in the way I have pointed out it is discharging a Government purpose in the promotion of our trade with other countries, thereby assisting in the regulation of commerce.

Mr. BACON. If the Senator will permit me, I suggest that while of course I am very glad to be interrupted and delighted to answer any question to the extent of my ability, I can not possibly present an argument if the Senator interjects between each proposition an argument upon his side. I say it with the utmost kindness.

Mr. FORAKER. I beg pardon. The Senator ought not to look at me so appealingly and invitingly. He has such a gracious and inviting way that it is impossible to resist the temptation to answer him.

Mr. BACON. The Senator answers in such an exceedingly pleasant way that it is with very great reluctance that I ask him to let me proceed with some degree of continuity. I understand the proposition of the Senator to be this, and I hope I may have his attention even if I do run the risk of interruption.

Mr. FORAKER. I am always delighted to give the Senator my attention.

Mr. BACON. I understand the proposition of the Senator to be this, and I am glad he has made it clear, that one purpose of this charter is to incorporate a banking company which, according to his contention, will have the right to do business in each and every State of this Union, not by the consent of that State, but without the consent of that State and in spite of the denial of that State.

Mr. FORAKER. In each State, so far as authorized by the charter. It allows only eight different locations for branches.

Mr. BACON. The Senator picks out the particular States. Is that it?

Mr. FORAKER. I dislike to interrupt the Senator.

Mr. BACON. It is all right. I asked the question.

Mr. FORAKER. The charter provides that this bank shall have its principal office in the city of Washington or in New York and eight branch offices located at such points as its directors may select, to be approved, etc.

Mr. BACON. The proposition is that so far as these eight States in which the branches are to be located are concerned, the corporation is to have the right to do business not by virtue of the comity of the States or by their consent, but by virtue of the command of the Federal Government that it shall have it.

Mr. FORAKER. That is my view of it.

Mr. BACON. I say that proposition is utterly without authority in any provision of the Constitution. We are not to deal in refinements. If the argument of the learned Senator is correct, then the general proposition is practically established that it is within the power of the Federal Government, by any peculiar provisions which it may see proper to insert in a charter, to impose upon States, regardless of the wishes and consent of these States, corporations to do a banking business within the confines of those States.

Mr. FORAKER. I dislike to do so, but will the Senator allow me to interrupt him again?

Mr. BACON. Certainly.

Mr. FORAKER. My contention is what I have stated it to be, because, in my opinion, this bank is to discharge governmental functions in the sense in which I have explained. It is an agency established by the Government to be used in the regulation of commerce among the States and with foreign countries, and therefore something that is within the purview of the powers conferred by the Constitution upon the Congress, and whenever it comes to the establishment of that kind of an agency, that being admitted, I think the Senator from Georgia will agree with me that that kind of an agency may go into any State.

Mr. BACON. With all due respect to the Senator from Ohio, I desire to say that I regard the proposition that this is for the purpose of performing a governmental function as a mere device to

get a charter from the Government of the United States for an altogether different purpose.

Mr. FORAKER rose.

Mr. BACON. Now, if the Senator will pardon me a moment—

Mr. FORAKER. No; what I want to say was that that, of course, is a matter of opinion.

Mr. BACON. I was going to give my reason for it.

Mr. FORAKER. As a matter of opinion your argument is legitimate. My proposition was, conceding the character of the organization to be what I have claimed for it, you would certainly agree that it could go into any State without regard to the wish of the State.

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Mr. FORAKER. If the Senator from Montana will allow me, I was about to suggest that I do not wish to detain the Senate more than a few moments. I do not wish to make any remarks. I wish to call attention to some authorities, and I would be pleased to have them go into the RECORD immediately following the argument that has just been made by the distinguished Senator from Georgia. They are in support of the proposition I was trying to contend for in the very unequal colloquy I had with him.

Mr. CARTER. I understand, then, that it will be agreeable to the Senator immediately after concluding his remarks?

Mr. FORAKER. Immediately after I read these authorities. There are only three of them. In the case of Gloucester Ferry Company *vs.* Pennsylvania (114 U. S., 203), discussing the question of commerce as used in the Constitution in that clause which authorizes Congress to regulate it, the Supreme Court say:

The power to regulate that commerce—

Among the States—

as well as commerce with foreign nations, vested in Congress, is the power to prescribe the rules by which it shall be governed—that is, the conditions upon which it shall be conducted; to determine when it shall be free and when subject to duties or other exactions. The power also embraces within its control all the instrumentalities by which that commerce may be carried on and the means by which it may be aided and encouraged. The subjects, therefore, upon which the power may be exerted are of infinite variety.

It embraces all the instrumentalities that may be employed.

In the case of *McCall vs. California* (136 U. S., 104), Mr. Justice Lamar quotes with approval from Pomeroy's Constitutional Law as follows, speaking of this power:

It includes the fact of intercourse and of traffic and the subject-matter of intercourse and traffic. The fact of intercourse and traffic, again, embraces all the means, instruments, and places by and in which intercourse and traffic are carried on, and further still, comprehends the act of carrying them on at these places and by and with these means. The subject-matter of intercourse or traffic may be either things, goods, chattels, merchandise, or persons. All these may therefore be regulated.

Then, in the case of *Railroad Company vs. National Bank* (103 U. S., 14), Mr. Justice Clifford said:

Bills of exchange and promissory notes are commercial paper in the strictest sense, and as such must ever be regarded as favored instruments, as well on account of their negotiability as their universal convenience in mercantile affairs. Everywhere the rule is that they may be transferred by indorsement, or when indorsed in blank or made payable to bearer they are transferable by mere delivery. International regulations encourage their use as a safe and convenient medium for the settlement of balances among mercantile men of different nations, and any course of judicial decision calculated to restrain or impede their full and unembarrassed circulation for the purposes of foreign or domestic trade would be contrary to the soundest principles of public policy.

There is only one more that I wish to detain the Senate with and call attention to. In the case of *Nathan vs. Louisiana* (8 Howard, page 73), Mr. Justice McLean said:

Money is admitted to be an instrument of commerce, and so is a bill of exchange; and upon this ground it is insisted that a tax upon an exchange broker is a tax upon the instruments of commerce. * * * No one can claim an exemption from a general tax on his business within the State on the ground that the products sold may be used in commerce.

Those authorities, taken in connection with those I cited in my argument this afternoon, show conclusively, as it seems to me, that bills of exchange and notes and drafts and other commercial paper of the character specified, which this bank is authorized to deal in for the benefit of this trade, are instrumentalities of commerce.

The other authorities which I cited were to the effect that anything affecting and providing for the use of these instrumentalities of commerce was an appropriate regulation of commerce within the meaning of the constitutional provision authorizing Congress to exercise that power. So it is that I say to the Senator from Georgia that we resort to a legitimate device, if he wants to use that term at all. I mean it is not a device in any reprehensible sense, if the word "device" is to be used, but it is perfectly legitimate, if you want to have the benefits of an international bank, chartered by the National Government, to invest it with a power that will bring it within the purview of the Constitution, and it is not a matter to be complained of that it is made constitutional by that kind of a provision.

Mr. BACON. Will the Senator permit me to ask him a question before he takes his seat?

Mr. FORAKER. Certainly.

Mr. BACON. Of course the Senator will recognize the fact that transportation of goods from one State to another is in the strictest sense interstate commerce.

Mr. FORAKER. Certainly.

Mr. BACON. Then the proposition contended for by the Senator would put it in the power of Congress, as the exercise of one of its legitimate functions, to charter a railroad not for the purpose of carrying the mails, not for the purpose of transporting troops, but because, forsooth, it would be engaged in the transportation of freight from one State to another. That being the case, then, from the beginning of a session through to its conclusion, we should be granting railroad charters from one end of this country to the other.

Mr. FORAKER. One of the opinions of the Supreme Court I read from this afternoon was exactly that; the case of the Cherokee Nation against the Kansas Railway.

Mr. BACON. Is it not there the governmental function of carrying the mails and transporting troops?

Mr. FORAKER. No, sir; not at all. In the language of the court, the Supreme Court found that the railroad there in question, although chartered by a State, was an agency employed by the National Government in the regulation of commerce between the States because it passed through the Territory and into the adjoining State.

Mr. BACON. I was speaking of the chartering of the company, not of the use.

Mr. FORAKER. Surely if it be competent for the National Government to select a railroad that has already been chartered by a State and make it an agency in the regulation of commerce,

it would be competent for the National Government to directly charter that railroad company for that purpose. Let me read again.

Mr. GRAY. I ask the Senator to read it.

Mr. FORAKER. Yes, I will. This is the case of the Cherokee Nation *vs.* The Kansas Railway, 135 United States, 641.

Mr. BACON. That is through a Territory of the United States, not through a State.

Mr. FORAKER. Now, we will see:

Congress has power to regulate commerce not only with foreign nations and among the several States, but with the Indian tribes. It is not necessary that an act of Congress should express in words the purpose for which it was passed.

I read this authority this afternoon in answer to the Senator's question of yesterday, or rather his requirement of yesterday, that I should put my finger upon the express declaration in this bill that it was intended to subserve some specified governmental purpose. It is not necessary, say the Supreme Court, that there should be any such expression. They further say:

The court will determine for itself whether the means employed by Congress have any relation to the powers granted by the Constitution. The railroad which the defendant was authorized to construct and maintain will have, if constructed and put into operation, direct relation to commerce with the Indian tribes, as well as with commerce among the States, especially with the States immediately north and south of the Indian Territory. It is true that the company authorized to construct and maintain it is a corporation created by the laws of a State, but it is none the less a fit instrumentality to accomplish the public objects contemplated by the act of 1884.

That act was an act authorizing it to exercise the power of eminent domain in procuring a right of way through the Indian Territory, and this litigation arose in connection with the effort to convey property for that purpose.

Other means might have been employed, but those designated in that act, although not indispensably necessary to accomplish the end in view, are appropriate and conducive to that end, and therefore within the power of Congress to adopt.

It seems to me that this is a case which absolutely and conclusively disposes of the entire contention of the Senator. It was not expressed in the act that there was any governmental function to be performed, any particular purpose to be subserved, but Congress simply empowered that railroad to exercise the right of eminent domain, and in the exercise of that right this litigation arose and the Supreme Court said the company had a right to go there and do what it was doing, and that Congress had a right to authorize it to go there, because it was an instrumentality employed in connection with interstate commerce.

Mr. BACON. The exercise of the right of eminent domain in a Territory of the United States was the particular point in issue, was it not?

Mr. FORAKER. No, not so.

Mr. BACON. It was litigation over lands in the Indian Territory.

Mr. FORAKER. The litigation, I believe, arose in that way. From what I have read here (there is not enough quoted here, but I had the case here this afternoon), the decision, I imagine, did not rest upon that point at all. The question was whether or not the United States Government could select a corporation chartered by a State and make it an instrumentality in the regulation of commerce and whether or not there was in fact any regulation of commerce, and the Supreme Court of the United States

said it did not make any difference that it was chartered by a State instead of by the United States, and that although nothing was said in the act of 1884 about regulating commerce, yet the court could see that it was such regulation, because the road was interstate, and was engaged in facilitating commerce.

Mr. GRAY. If the Senator will allow me, he contends, then, that the principle in that decision would go so far as to have authorized Congress to have conferred the power of eminent domain upon that corporation, to be exercised within the State of Kansas, if it had not that power from the State otherwise? Is that the view the Senator takes of the principle involved in that decision?

Mr. FORAKER. The Senator will excuse me: I was trying to find the case, and did not hear his question.

Mr. GRAY. I ask the Senator if the view he takes of the principle in that decision is that the Congress of the United States would have been authorized to have empowered the railroad company to have exercised the right of eminent domain within the State of Kansas if it had been necessary to do so, or if the State of Kansas had not imbued the company with that power?

Mr. FORAKER. Before I answer the Senator I want to get the authority, for fear I have confused the case as to how this litigation arose. I have it here, and by reading from the syllabus you will see in a moment. I find I was right about it. Preceding the quotation that is made, and which I read, occurs the following statement in regard to the case:

In *Cherokee Nation vs. Kansas Railway*, 135 United States, 641, the Supreme Court sustained a grant of the power of eminent domain to a Kansas corporation, made by act of Congress, in relation to lands in the Indian Territory owned and occupied by an Indian tribe.

I do not see anything that, in my opinion, would warrant the inference that the decision went so far as to authorize Congress to confer the power of eminent domain upon the Kansas corporation, to be exercised within the State of Kansas. I do not suppose it would, unless it was for some governmental agency, like carrying the mails, or something for which it became absolutely necessary. There might be an exception to that rule; I did not attach any importance to how the litigation arose. The important feature of the case is that there was an agency which the National Government did not create, but simply clothed with certain powers, in the exercise of which the controversy occurred which gave rise to litigation, in which the Supreme Court held that because the railroad did go through the Territory and the States to the south and north of it it was an instrument that could be employed in the regulation of commerce; and that idea was not negatived by the fact that Congress had not said anything on that point in the statute, in which there was no allusion to the regulation of commerce; no allusion to any agency of Government on the part of this instrumentality.

I regret that I have occupied the time of the Senate so long.

* * * * *

June 16, 1898.

Mr. TELLER. I should like to ask the Senator if the bank could not do all those things and never do a particle of business that touched commerce? Does the simple fact that the Comptroller of the Currency may pass upon the question when they shall do business make the bank an agency of commerce?

Mr. HOAR. May I ask the Senator from Louisiana, in this connection, if it has not been uniformly held that the encouragement and promotion of foreign commerce constitute a regulation of it?

Mr. CAFFERY. Certainly.

Mr. TELLER. I should like to ask the Senator another question.

Mr. CAFFERY. I have not answered the first one.

Mr. TELLER. Very well.

Mr. FORAKER. If the Senator will allow me, I will call his attention to one provision of the bill which I think will furnish a complete answer to the inquiry of the Senator from Colorado.

Mr. TELLER. I wish the Senator would.

Mr. FORAKER. That is the provision in regard to the sale of bills of exchange. This commerce which we are talking about can not be carried on without the instrumentality of a bill of exchange.

Mr. TELLER. I should like to say that I do not think that is an agency of commerce any more than making a promissory note is. I will have something to say about that later.

Mr. FORAKER. I have a different opinion about it, and I think the Supreme Court has held that bills of exchange are instrumentalities of commerce.

Mr. TELLER. The Supreme Court has held just the reverse of that. If the Senator can show any case where they ever held that way, I will be glad to see it. They have held the reverse of that.

Mr. FORAKER. Day before yesterday I cited an authority to that effect, as I understood it.

Mr. TELLER. I should like to see it.

Mr. FORAKER. I should like to see where they held to the contrary.

* * * * *

Mr. FORAKER. Mr. President, I do not wish to detain the Senate, except only very briefly to answer the suggestions of the colloquy which occurred a moment ago with the Senator from Colorado [Mr. TELLER]. I do not know that I exactly understood the Senator from Colorado, but I can state how I understood him, and I will be obliged to him if he will correct me if I misunderstood him. I understood him to deny that bills of exchange are instruments of commerce.

Mr. TELLER. No; I did not say that. I said they were not commerce. They may be instruments of commerce.

Mr. FORAKER. But I never contended, and I have never heard anyone else contend, that bills of exchange are commerce; but it has been contended from the beginning of this debate, throughout this controversy, that bills of exchange are instruments of commerce.

Mr. TELLER. Certainly they are, but there must be more than that in this bill, in my judgment, to make an act of incorporation, that the persons to be incorporated are engaged in creating simply instruments of commerce. I said a shipbuilder is doing the same

thing, and the man who gets out the masts of a ship is doing the same thing; but the getting out of masts from the forests of Alaska or some other region do not make that occupation commerce.

Mr. FORAKER. The Senator from Colorado is quite right about that; but inasmuch as ships are designed to be instruments of commerce, it would be quite competent for Congress to prescribe how ships should be constructed and what kind of masts should be provided in order that there might be security in the navigation of ships and in order that the transaction of commercial business might be facilitated.

Mr. TELLER. That would be an entirely different thing. That would provide what should be the main instrument, of course, of commerce, and Congress can undoubtedly legislate as to what shall be the character of shipping, and all that.

Mr. FORAKER. Then it would be legislating concerning an instrumentality of commerce in its relation to commerce, and that would be a regulation of commerce. So, too, I answer the Senator from Colorado that the mere issuing of a bill of exchange would not, of course, be commerce, but when a bill of exchange is issued in connection with a commercial transaction that it is competent for Congress to provide a regulation for, then it is a commercial transaction, which the Congress is competent to regulate under this constitutional provision.

Mr. CAFFERY. I will suggest to the Senator from Ohio that ships are regulated.

Mr. FORAKER. Yes; I know they are.

Mr. CAFFERY. They have to run in a certain way; they have to have a certain number of pilots; they have to have a certain number of lights; they have to keep the road in a certain way; and they are regulated down to the most minute particular.

Mr. TELLER. That is not denied at all.

Mr. FORAKER. I understood the Senator from Colorado to call upon me to cite him to an authority showing that bills of exchange were instruments of commerce.

Mr. TELLER. Oh, no; I had no idea of that.

Mr. FORAKER. I quote from 7 Howard—

Mr. TELLER. It is not commerce.

Mr. FORAKER. I will come to that in a moment. But, inasmuch as the authority was called for, as I understood it, I want it to go into the Record. I stated when that colloquy occurred that I had cited an authority in the course of this debate to the effect that bills of exchange are instruments of commerce. I find I have cited a number. The authority I had particularly in mind was the case of Nathan vs. Louisiana, in 7 Howard, page 73, the second paragraph of the syllabus of which is as follows,

Mr. TELLER. I have that case before me.

Mr. FORAKER. It is as follows:

Foreign bills of exchange are instruments of commerce.

That is as much as I need read of it.

Mr. TELLER. I should like to read a brief extract from the same case, where the court say:

The individual thus using his money and credit—

Say the court—

is not engaged in commerce, but in supplying an instrument of commerce. He is less connected with it than the shipbuilder, without whose labor foreign commerce could not be carried on.

Mr. FORAKER. I apprehend there is really no difference of opinion between the Senator from Colorado and myself as to what a bill of exchange is in its relation to commerce; certainly it is agreed that a bill of exchange is an instrument of commerce. That being the case I call attention to the provision with respect to the issue of bills of exchange found in this bill on page 15. Senators must have observed that, after enumerating the powers of this proposed corporation, the bill then goes on to prescribe certain duties it shall perform, certain things it shall do. Among other things it must do is the following:

The directors shall also, within two years after the commencement of the existence of said corporation, open one such branch office in Mexico, one in the West Indies, and two in South America, at such points as the directors shall determine, for the regular sale of bills of exchange drawn upon the principal office of the company, and for the transaction of such other classes of business as the directors may designate; and from and after the establishment of each of such branch offices the said corporation shall regularly sell bills of exchange at its principal office, drawn upon the said branch offices.

Mr. TELLER. I should like to ask the Senator if he thinks Congress gets jurisdiction of this question by reason of the fact that this corporation is authorized to have a branch in Mexico, for instance? If he does, then I should like to propound another question: What becomes of our jurisdiction if Mexico declines to allow the establishment of such an exchange there?

Mr. FORAKER. It would not affect the constitutionality of this bill if Mexico should decline. I do not apprehend that Mexico will.

Mr. TELLER. No.

Mr. FORAKER. It would not make any difference if every foreign country should decline to enter into a convention to allow the bank to go there: it would still remain the fact that it would be a law authorizing an agency to be used in the regulation of commerce between the States, and that would be sufficient, so far as its constitutionality is concerned. It does not depend, therefore, if I may answer that proposition further, upon what we are to do in foreign countries, because we know if this bill becomes a law, and is upheld, then it creates a governmental agency to aid in the regulation of commerce between the States, and that the law will be upheld as constitutional on that account, without regard to what foreign countries may do. The law will be enacted, if enacted at all, with knowledge to the lawmaking power that foreign countries may decline to enter into any convention. But we know the States can not decline; they have no voice about it; this being a company of the character that has been indicated, the National Government has a right to say it shall go into any State where it may see fit to send it for its purposes.

Mr. TELLER. It seems to me that if the Senator is right in his contention that the issue of bills of exchange is commerce within the meaning of the Constitution, then every bank in the State of New York, every private bank, every State bank, without issuing money, but which issues a bill of exchange on another State or another country, is subject to national control. That, it seems to me, would be news to the country.

Mr. FORAKER. I have not said or intimated that the mere issuing of a bill of exchange is commerce. What I have said is that they are instruments of commerce; and if I can get an opportunity, I want to show that this bill provides with respect to them in their relation to commerce in such manner as to amount to a regulation of commerce. But, Mr. President, recurring to the

Senator's remark, I have no question that Congress has the right to regulate bills of exchange issued by private banks. I do not see, with all respect to the Senator, that there is any force in that suggestion. The power of Congress to regulate the issue of these instruments of commerce does not depend on the character of the bank that issues them.

Mr. TELLER. It is not simply to regulate bills of exchange, but the company is authorized to issue them, which I have asserted again and again it can not do. I have said here before, and I repeat it, that it is a common-law right for any association or individual to issue a bill of exchange, and it was settled years and years ago that it did not require any authority for that. The law merchant gave that right, and that has entered into and become a part of the common law of England.

Mr. FORAKER. If the Senator from Colorado will allow me to proceed in order, I will try to answer the suggestion he has made, for I have the most profound respect for the Senator's legal opinion.

Mr. TELLER. I do not want to interrupt the Senator so as to interfere with him, because really I should like to support this bill, if I could see my way clear to do so.

Mr. FORAKER. I do not want the Senator to support it unless he can see his way clear to do so. I do not think there will be any real difference between us when we fairly understand what the propositions are.

The first proposition which I wanted to cite an authority to was that bills of exchange are instruments of commerce. The second proposition that I wanted to cite an authority to was that this power to regulate commerce extends not only to the regulation of bargaining and selling, but also to the regulation of all the instruments of commerce, and therefore to the regulations of bills of exchange. I claim, Mr. President, that it is a regulation of commerce within these authorities for Congress, with respect to an instrumentality of commerce, so to legislate as to facilitate the use of that instrumentality or the providing of that instrumentality to those who may have necessity to use it.

What was the case in 135 United States Reports, which was commented on to some extent here a day or two ago? That was a case where the State of Kansas had incorporated a railroad. That railroad wanted to extend southwardly through the Indian Territory and beyond. The Congress by an act conferred the power of eminent domain upon that State railroad company, authorizing it to condemn a right of way and acquire it in that manner through the Indian Territory. It did not say anything about regulating commerce. It was simply a conferring of the power of eminent domain upon a State railway company to be exercised in the Indian Territory.

Litigation arose when it undertook to exercise that power; and when it did, the question was raised whether or not it was competent for Congress to pass such an act as that. It was contended that there was nothing in the act that made it purport to be an act for the regulation of commerce. There was nothing said about commerce. It was the mere conferring upon a railroad of the right to condemn and take property for a right of way. There was not anything said about how freight or passengers should be transported: but the Supreme Court said, in answer to that, it does not make any difference if nothing is said in the act; it is for the court to judge whether or not the power which Congress has

undertaken to exercise has any relation to any of the constitutional powers with which Congress is invested.

The court said this is an act passed by Congress under its authority to regulate commerce. Why? Not because it provided how that railroad should be used. Not alone because it was a railroad and, as such, an instrumentality to be used in commerce. As a railroad, pure and simple, it was not commerce. The man building a railroad is not engaged in commerce any more than the man who is building a ship, any more than the man who is issuing a bill of lading. The mere creation of a railroad is not commerce. But, said the Supreme Court, this is an instrumentality of commerce, and whenever the Congress facilitates the creation of this instrumentality, the Congress is engaged in regulating commerce. That is all there is of it. The mere making it possible for the road to acquire its right of way was to facilitate commerce, and, the road being interstate, that was enough.

Mr. TELLER. I do not like to interrupt the Senator, but I think he has rather lost the force of what I was trying to make him understand. I mean to say that the power to issue a bill of exchange would exist in this corporation absolutely if nothing was said about it. Therefore the mere assertion that the proposed bank may do what it can do without any grant from the Government of the United States can not bring it within the jurisdiction of Congress.

Mr. FORAKER. I have not lost the force of what the Senator said, but I am coming to that particular phase of it. Just now I want to impress upon the Senator from Colorado—for I want him to support this bill; I have the profoundest respect for his legal opinion, and I do not see how it is possible for us to differ in regard to it—what I want to impress upon him again is that while the mere issuing of a bill of exchange is not commerce, while the mere building of a ship is not commerce, while the mere building of a railroad is not commerce, yet when the Congress undertakes to facilitate the use of the ship or the bill of exchange or the railroad in connection with commerce, it is then regulating commerce.

Mr. TELLER. But the citizens who own a railroad in Kansas had no right by the common law or any other law to build a railroad in the Indian Territory, and they had to have the assistance of the United States in that particular. The Government then had exercised that right—a right which I never doubted they could exercise.

Mr. FORAKER. Mr. President, the right to build a railroad was not a regulation of commerce, but the grant of the power to acquire the right of way was a regulation of commerce because that was the facilitating of commerce, because it promoted an agency for the transaction of commercial business. That was enough.

Mr. President, you can not carry on commerce with the South American States, the West Indies, and Mexico without having the necessary incidents of commerce. You may get along, possibly, without having all of them. You can barter and sell, you can exchange products directly, but I mean you can not conduct commercial relations and enjoy modern conveniences in connection therewith unless you employ commercial instrumentalities such as bills of exchange.

Bills of exchange are brought into use to facilitate commerce. That is their only use. They are a recognized necessity of commerce. While the mere issuing by a bank of a bill of exchange

is not commerce, and the mere issuing of it not a regulation of commerce, yet when the Congress steps in and says, "Here is a necessity for bills of exchange in order that we may advantageously conduct our commercial relations," and therefore provides that there shall be banks established as branch banks of a parent bank established in this country, a branch located in the West Indies, one in Mexico, a number scattered throughout the South American states, and then requires that each and every one of those banks shall at all times provide bills of exchange so that people having commercial relations with the United States can be provided with them, making that an absolute requirement, I say that is a regulation of commerce.

The Senator from Colorado [Mr. TELLER] says the fault in my argument is that banks have a right to issue bills of exchange without that provision in this proposed law. That is true. Every bank has a right to issue a bill of exchange, and a bank has a right to refuse to issue it, too, if it wants to do so. But the point of this whole matter is that we not only incorporate the bank and fix its office here and its offices throughout this country, but we fix its offices in the countries with which we want to trade, and we require that those offices shall be maintained there and these bills be issued. Why? In order that we may facilitate the transaction of our commercial business with those countries where we are now trading and relieve ourselves of the necessity which we have been under for years past, to our very great disadvantage, of operating through the banking houses of London and the banking houses of other countries of Europe.

It is said there is no necessity for this measure. There does not have to be a necessity for it. You might very well have said in the Supreme Court case in regard to the Kansas railroad that there was not any necessity for that railroad to go through the Indian Territory. Certainly there was not, but it was a convenience to have it go there; it facilitated commercial transactions to have it go there; and the Supreme Court held that that was a regulation of commerce, not because it was providing something that there was a necessity for, but because it was providing something that facilitated commercial transactions.

There is not any necessity for us to establish banks in South America, the West Indies, and Mexico, or these particular branch banks throughout this country. There is no necessity in the sense that that kind of business can not be transacted if we do not do this thing. But, Mr. President, the validity of this provision is not measured by necessity. While there is no necessity, it is thought to be a great convenience to the people who will patronize these banks to have the banks established and to have these facilities created. That, as I understand the authorities, is sufficient to make valid and constitutional the provision which we are asking the Congress to enact.

Now, to what extent is it desirable? It has been said here that you can get all the exchange you want from the private banks and get it as conveniently, and I think it has been stated with as little cost, as you can get it from the bank, after we shall have established it, which we are proposing to establish. Such is not in accordance with the information that was given to the Foreign Relations Committee. We were made to understand, and I believe it to be the fact, that when the merchants of the United States trade with the Central and South American states and with the West Indies we trade at the great disadvantage of having to

pay double exchange rates as compared with the exchange that we would have to pay if we had this bank established and the principal bank and the branch banks were required to deal directly with each other in the matter of giving bills of exchange, as this bill does provide.

Mr. BACON. Will the Senator from Ohio permit me to ask him in what particular this proposed bank will have any facilities for exchange with foreign countries not now enjoyed by any national bank or State bank in the city of New York if it has the capital with which to do the business?

Mr. FORAKER. I am very anxiously looking for the appearance of my messenger. I sent him a few minutes ago to my residence to get a letter which came to me through the mail this morning, in which the Senator is answered far better than I can answer him. I looked in my pocket for the letter, intending to have it read; but finding that I had left it I sent for it. It will be here in a few moments, and then I will have it read. I shall be pleased to pass that by, if it will suit the Senator as well, until the letter comes.

Mr. BACON. Certainly.

Mr. FORAKER. It is a letter in which a merchant of New York gives an account, simply for purposes of illustration, of a transaction had by his house with some point in Brazil, showing the extreme disadvantages to which they are subjected in their trade with those countries.

Mr. BACON. Conceding it to be true that there was an instance, and that possibly there are daily instances, in which there was this inconvenience, I am sure, however, in the absence of the letter, which simply narrates this particular instance, the Senator can tell us how this particular proposed bank can have the opportunity for exchange which is denied to a bank in the city of New York at this time. In other words, what power is now lacking to a bank in the city of New York to establish agencies in any one of those countries the authority to establish which is proposed to be given by this bill?

Mr. FORAKER. To begin with, I deny the proposition of the Senator from Georgia that any bank incorporated in this country under a State charter has authority to go into foreign countries and there set up banking. To do that would be as clear a case of exceeding corporate authority, it seems to me, as could be suggested, unless the constitutions of other States are different from the constitution of Ohio.

Mr. DANIEL. May I ask my friend a question?

Mr. FORAKER. Now, to answer the Senator from Georgia a little further, if you will allow me, the bill provides that these branches shall draw bills of exchange directly on the principal office and the principal office on the branches, respectively. There shall be but one transaction and but one charge. When a merchant ships goods he can step into the bank here and by depositing his bill of lading and drawing a bill of exchange against it get his money on the spot.

But now I am very happy to be able to inform the Senator from Georgia that the letter I spoke of a moment ago has just arrived, and I send it to the desk and ask that it may be read. I invoke the attention of Senators to it; for if you will allow me, before the Secretary commences the reading, you will find that this is an enterprise not for the benefit of the people who are the incorporators of this bank alone. Of course they will have some benefit

or they would not engage in it. I do not know the measure of their benefit. But that is not the concern of the Senators who reported the bill from the committee. On the contrary, it is an enterprise for the benefit of all the people of the United States, and our only concern has been to remove such disadvantages as the letter speaks of. Now, if the Secretary will be kind enough to read it, I will suspend a moment for that purpose.

The PRESIDING OFFICER. The letter will be read.
The Secretary read as follows:

NEW YORK, *June 15, 1898.*

DEAR SIR: According to press reports of proceedings in Senate on June 14 on international bank, Senator TELLER claims that any of the large banks in New York by virtue of agencies they have in all parts of South America can offer the same facilities to exporters in the United States of America as would the international bank or as do the large English banks in Europe. This is a great mistake, as you will see. We inclose letter of Bank of New York of February 9, 1898, offering to attend to collections of drafts in South America for us.

Mr. FORAKER. If the Secretary will suspend for a moment, in order that Senators may fully understand what is meant by the circular letter of the bank, I send it to the desk and ask that the Secretary read the letter referred to, which is a solicitation on the part of the bank of their patronage in the matter of foreign exchange.

The Secretary read as follows:

THE BANK OF NEW YORK, *New York, February 9, 1898.*

DEAR SIR: We beg to inform you that we attend to collection of drafts on South America, and respectfully solicit a share of your patronage.

Yours, very truly,

THE BANK OF NEW YORK, N. B. A.,
Per C. S. MACALPINE, *Attorney.*

MESSRS. KURZMAN BROTHERS,
No. 38 Pearl Street, City.

Mr. FORAKER. Now let the Secretary resume the reading of the letter from Kurzman Brothers.

The Secretary resumed and concluded the reading of the letter, as follows:

We availed ourselves of this offer and were compelled to draw in pounds sterling against our shipments of butter, which drafts were sent by the Bank of New York, through the British Bank of South America, to the Banco de Pernambuco, which alone charged three-fourths of 1 per cent collecting commission, and then remit a draft on London in pounds sterling, which draft, after long delay, was sent to us, and even the Bank of New York refused to buy the returned Bank of Pernambuco draft on the London and County Bank!

We inclose memoranda of George O. Gordon, agent of London and River Plate Bank, by which you will see that on a \$3,800.49 draft on Bahia we had to draw in pounds sterling and pay heavy collecting commissions, and finally received remittance via London, netting us a loss in exchange and banking commission of \$48.77, or over 1 1/2 per cent, and not counting loss of interest due to the remittance going via London.

It is all very well for Senator TELLER and others in Washington to say that the New York banks offer facilities on the strength of such letters as the Bank of New York sent us, which caused us the loss of the use of our money at least thirty days longer than if the United States of America had direct banking facilities with South America. Furthermore, the heavy collection charges are too great, and the loss in being forced to draw in pounds sterling and then on receipt of remittance to again sell the pounds sterling so as to obtain United States dollars, is also a great drawback.

The above shows you at what a great disadvantage exporters in United States of America are as compared to European houses.

Now let us point out to you an even greater drawback.

In order to facilitate our export trade of butter in South America (in trying to supplant the French and Danish butter), we asked our South American friends to open for us bank credits, so that on delivering shipping documents to the New York agents or New York banks we could obtain our money on the spot, and not be forced to send drafts for collection, which compels us to be out of our funds for three to six months, as in the collections made by Bank of New York and London and River Plate Bank.

Not a single bank doing business in Brazil would grant a letter of credit on the terms that such credits are opened for European trade, even to houses that have the highest rating in Brazil.

First. The banks demand a 1 per cent commission on the amount of the credit, whether used or not.

Second. The banks demand security for 25 to 50 per cent of the credit the moment it is granted, whether it will be used or not.

Third. If the drafts against the letter of credit are drawn as shipping documents at ninety days' sight, the moment the goods arrive in Brazil the banks there demand payment for the drafts before they deliver the documents (goods), notwithstanding that the credit and draft entitles the receivers to ninety days' time.

Such documents the banks doing business in Brazil call credits, and we hope you, Mr. FORAKER, will not allow yourself to be deceived by statements that United States exporters have ample facilities for doing business in South America.

Such banks as the London and River Plate Bank and London and Brazilian Bank have in the past twenty-five years paid dividends of 10 to 15 per cent, besides accumulating a surplus of 75 per cent or more, and most of it at the expense of United States merchants.

We are not interested in the proposed international bank, and we write our experiences to you in the hopes that you will be able to enlighten Senators and Representatives in Washington.

What we (United States of America) need is an international bank, United States steamship lines, and reciprocity.

Is there any prospect of reciprocity with Latin America, from whom we buy three to four times as much as we (United States) sell to it?

Thanking you for the interest you display in trying to increase the foreign commerce of our country, which means increased prosperity to the United States, we are,

Yours, respectfully,

KURZMAN BROS.

Hon. J. B. FORAKER,

U. S. Senator (Ohio), Washington, D. C.

Mr. FORAKER. I had the letter read only that we might have the benefit of that part of it which portrayed the disadvantages our merchants now contend with in carrying on their transactions with these foreign countries and that I might give to the Senate the benefit of that merchant's opinion as to how it would be corrected by the institution of such a bank as is here proposed. As I understand him, his contention is that now it is not only difficult to have his bills of exchange cashed, being compelled to wait from thirty days to six months, as he states, but he is compelled under present arrangements to submit to double charges of rates of exchange, three-quarters of a per cent here and something else yonder, making in the aggregate a cent and a half, which is so burdensome as to make it practically impossible to carry on the business satisfactorily in competition with other countries where they have these facilities provided.

Mr. BACON. If the Senator from Ohio will permit me, the point I make I do not think is answered by that letter. It is that whatever may be the present difficulties, and nobody disputes their existence, there is no possible power that we can confer upon these banks which can not be equally exercised by a State bank so far as foreign exchange is concerned, and so far as furnishing all facilities for foreign exchanges is concerned. There are but two things necessary. One is the corporate power, and the other is the requisite amount of money. The requisite amount of money can be secured in the one case as well as in the other. I repeat what has been said before, and which nobody has ever successfully answered and which can not be successfully answered, that there is no corporate power, so far as foreign exchange goes, at least, which we can confer upon this bank which the State of New York can not confer upon a bank chartered by it.

Now, if the Senator will pardon me just a minute, and I do not desire to interrupt him further or to be heard further on this bill,

I want to call attention to one little striking coincidence, or rather remarkable fact, it may be called. The Senate will remember that on yesterday I read a very remarkable charter embodied in a bill which had been introduced by the Senator from Pennsylvania [Mr. QUAY]. The Senator from Pennsylvania in the course of the discussion read a telegram from Theodore C. Search. Now, that was for the most unlimited charter that was ever heard of in any legislative body. I notice that Theodore C. Search is one of the incorporators in this bill.

Mr. QUAY. Mr. Search is the president of the National Association of Manufacturers. He is the head of the association, and it would be supposed that he would be one of the incorporators.

Mr. BACON. Yes; and I notice that he is one of the incorporators named in this bill.

Mr. FORAKER. I have no apologies to offer for the presence in the bill of the name of Mr. Search.

Mr. BACON. Not at all.

Mr. FORAKER. You will find Mr. Search's name written all over this country in connection with its business interests. He is a live, wide-awake, progressive man, at the head of the Manufacturers' Association, and a man who has been engaged for years in trying to build up and develop our trade with South American countries. He is just the kind of a man who would seek out and find out a way whereby to facilitate our trade with those countries, to the end that we might be on an equal footing with other countries. He is just the kind of a man who would find out what the advantages are of an international bank, and he is a man enjoying the confidence of his fellow-men to such an extent that he can associate them with him in business. There is no question about what his purpose is. It has been pronounced in many ways.

Mr. BACON. If the Senator will permit me, I am not speaking in any disparagement of Mr. Search, but I am simply calling attention to the fact of the kindred character of these two bills, in which it is sought to confer upon incorporators powers gigantic, colossal, dangerous to the public interests and even to the public liberty.

Mr. FORAKER. I want to add only one other thing about Mr. Search, and that is that I do not know him personally. I never saw him in my life. I have no relations with him; but I know of him as everybody else knows of him who pays any attention to what is going on in the business world in this country as an active, progressive man.

As to the bill the Senator from Pennsylvania had in charge yesterday, or that was referred to yesterday as his measure rather, we will discuss that when we come to it. I was not aware when it was referred to that any such bill was pending here. But I do not see any objection to that bill in the sense that the Senator from Georgia objected to it. There may be a question as to the constitutionality of that proposed measure. I do not want to commit myself about that until I have time to examine it further. But so far as there being any danger to this country from having that done which the incorporators under that bill are proposing to do, I do not see it at all. I think it is all intended to advance and promote the interests of the country. And so it is about this bank. I do not find here in this bill any dangerous powers.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. FORAKER. Certainly.

Mr. BACON. I understand the Senator to say that he does not

see anything dangerous in that bill. Of course it is not now under discussion, but the Senator has taken occasion to say that he sees nothing in the bill to which allusion has been made that would be dangerous to the interests of this country. Now, the question I wanted to ask the Senator is this—

Mr. FORAKER. I should have stated, I intended to state, and if I did not I will now state, that as interpreted by the letter or telegram from Mr. Search which was read yesterday by the Senator from Pennsylvania.

Mr. BACON. The Senator from Ohio will understand, of course, that the charter is not to be construed by the letter of Mr. Search, but it is to be construed by the language used in the charter. That is a proposed charter which, without any limitation as to amount, gives to that company the right to buy and hold in unlimited amount all kinds of property, real and personal, which would include all property in the whole United States. The question I want to ask the Senator is if he considers that that sort of a charter is a proper one to grant?

Mr. FORAKER. As I have already indicated to the Senator from Georgia, I prefer to discuss that bill when it comes up for consideration. I have not read the bill. I did not know such a bill was here until yesterday. I did read or heard read the telegram, however, from Mr. Search, saying what it was that the company desired to do if they could get a charter, and I did not see anything that was dangerous to the liberties or the business interests of this country or the rights of individuals in anything that he proposed.

And so it is with respect to the powers of this bank. Senators are speaking about the great and the extraordinary powers conferred upon this bank. There are no great or extraordinary powers, as I understand the bill, conferred upon the bank. The powers are only those powers which are necessary to the conduct of the business which the bank is incorporated for the purpose of doing. The powers that are given to the bank are not given to the bank with a view to the profits of the men who may be associated with the bank, but with a view to making it possible for the bank to successfully accomplish the purposes it is intended to subserve, and we want those purposes subserved not for the benefit of any particular individual but for the benefit of all the people of the country who are interested in international commerce of the character that the bank is intended to deal with.

As I was about saying when the Senator from Georgia interrupted me, and that is all I have to say about this matter at this time, bills of exchange are instruments of commerce. The Supreme Court has so held, and Senators now, whatever may have been their differences of opinion, agree to that. The Supreme Court has also said that it is a regulation of commerce to legislate with respect to an instrument of commerce so as to facilitate the use of it.

What I claim is that the bill does provide that bills of exchange, instruments of commerce, shall be provided under such circumstances and in such a way to the people who have need of them in this trade as to facilitate their employment. The facility which is thus afforded over that which they now have in the use of bills of exchange is necessarily calculated to promote our international commerce with those countries; and that being the case, it is clearly a regulation of commerce under the decisions to which I have been referring.

ANNEXATION OF HAWAII.



REMARKS

OF

HON. J. B. FORAKER,
OF OHIO,

IN THE

SENATE OF THE UNITED STATES,

JUNE 25, 1898.



WASHINGTON.
1898.

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REMARKS
OF
HON. J. B. FORAKER.

The Senate having under consideration the joint resolution (H. Res. 259) providing for the annexation of Hawaii, and Senator TURLEY having the floor—

Mr. TURLEY. The next point which is made was made by the Senator from Ohio [Mr. FORAKER], and I believe by the Senator from Massachusetts, but I will quote from the Senator from Ohio. He first said:

I am loath to interrupt the Senator, but I have been desiring for some minutes since he got on this proposition to put a question to him. The question I desire to put is this: Would it not be competent for the Congress of the United States to prescribe by law certain terms and conditions upon which any independent government might come in and become a part of the territory of the United States by complying with the terms and conditions prescribed by the Congress of the United States?

Suppose, for instance, to make plain what I have in my mind, we should provide that any independent people or government, doing what this preamble recites the people of Hawaii have done, should, upon complying with certain conditions, those and others that we might see fit to make, become a part of our territory, they notifying us that they had complied with all the terms and conditions, could we not thereupon declare them to be annexed and make them a part of the territory of the United States, and would not that be a more competent power for the Congress than it would be for the treaty-making power?

Now, Mr. President, I submit this idea in reply to that proposition: Certainly there is nothing in the Constitution which squints at any power to pass any such law. The only line on this subject in the Constitution, outside of that lodging the treaty-making power in the Senate and the President, is the provision about the admission of new States. This proposition involves the idea of a general law, directed to every independent country in the world.

If it is good for one, if it is good for two, it is good for all. If the proposition is true, to-morrow Congress could pass a law providing that every independent power in the world, any or all of them, could become a part of the United States upon complying with certain conditions; that the most ignorant population could come in on the same terms with the most educated and intelligent; that the Malays in the Philippine Islands, or these Kanakas in Hawaii, or the negroes in Africa, any government that was an independent power, could come in on these terms and conditions.

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. TURLEY. Certainly.

Mr. FORAKER. Will the Senator from Tennessee allow me to suggest that the point he is now making will not go to the question of power, but only to the question of policy, about which I was not talking when I made the remarks from which he is quoting. It might be good policy or bad policy in any given case.

Mr. TURLEY. Now, in reply to the Senator from Ohio, I submit that when you are unable to find in the Constitution of the United States an express grant of power to do what you are seeking to accomplish, or, in other words, if a proposition is submitted as constitutional and it can not be found expressly within the Constitution, or it does not appear to be necessary and inherently proper to carry out some expressly granted power, then it is a legitimate argument to see where it leads in order to determine whether the framers of the Constitution have intended to vest it where it is claimed it has been vested. In other words, I submit that in all doubtful questions—

Mr. FORAKER. Will the Senator from Tennessee excuse me for interrupting him again?

Mr. TURLEY. Certainly.

Mr. FORAKER. I did not mean to express, and I hope the Senator did not understand me by anything I said when making the remarks which he has quoted to express, an opinion as to whether that would be good policy or bad policy. I was simply speaking of the question of power and giving that as an illustration of what I thought might possibly be done, and constitutionally. It does not follow that because I think that could be constitutionally done I would advocate it as a good measure.

Mr. TURLEY. Certainly I did not understand the Senator from Ohio as saying that any such proposition would be good policy, but I understand him to say to me now that the position I am arguing is one of policy, and that what I say throws no light on the question of power. I do not think I mistake him on the point that my argument is applicable to the question of the policy of the idea and not to the question whether the power really exists.

Now, what I am attempting to reply is, if you are seeking in the Constitution some power which is not expressly granted or which is not clearly granted, in other words, if as a court or as Senators here determining upon the constitutionality of the question there may be doubt as to whether power exists under the Constitution to do certain things, it is a legitimate argument to see where that power would lead us to if it exists. In other words, we may argue against the existence of the power from the fact that great danger and peril would come to the country if such power really exists. I mean in all doubtful cases.

Of course, if it is an expressly granted power there can be no question of it; but wherever it is a question of doubt as to whether the power exists, if we see that the existence of the power would be dangerous, that its exercise would threaten the destruction of the country, we may then look to that as a reason for saying the framers of the Constitution never intended to vest in any branch of the Government the right to exercise such power.

So I say now that if the question had been asked in the convention which framed the Constitution, "Have we invested Congress or do we intend to invest Congress with power to pass a law under which every independent nation existing on the globe can come into this compact and into this Government and become inherent parts of it?" the reply would have been in the negative, that it never entered the minds of the framers of the Constitution

that they were investing Congress or any department of the Government with the power by any such law as is referred to in this proposition to admit into this Union or into this Government as component parts of it any existing power in the world.

Now, I go a step further to the next proposition. The Senator from Ohio very frankly admits that if a foreign power were by agreement to cede us a part of its territory upon certain terms and conditions agreed upon, it would necessarily have to be done by treaty. I will read the whole quotation:

Mr. FORAKER. If the Senator will allow me just one word further, I agree with almost all he has said; but at the point where I differ from him the difference becomes vital. I think that when you make a compact with a foreign power it must be in the nature of a treaty, but that contemplates the continued existence of the foreign power. Therefore, if a foreign power were by agreement to cede to us a part of its territory upon certain terms and conditions agreed upon, it would necessarily have to be done by treaty.

And further on he says:

In a word—

In order to understand this proposition, I will read a little from what the Senator from Georgia [Mr. BACON] said:

Mr. President, I am utterly unable to see the force of that argument. It is in either case an agreement by which sovereignty existing over certain territory is abandoned, or rather annulled, and by which the sovereignty of this country is given to it. Why should the change of sovereignty as to a part be the subject-matter of negotiation and the change of sovereignty as to the whole be not the subject-matter of negotiation?

The Senator from Ohio [Mr. FORAKER] replied:

In a word I can answer that. Because there is no continuance of a compact. The whole thing is at an end by its consummation.

Now, the idea seems to be this, if I understand it, and it is very plainly and clearly expressed, that even though the right to be gained has its inception in a compact or agreement, still if it is not a continuing compact, if, in the language of the Senator, there is no continuance of a compact, then it ceases practically to be the subject-matter of treaty; in other words, that only those things have necessarily to be done by treaty which are done between two nations which continue in existence, and where there is a continuity of the contract or a continuance of the contract.

I produced authorities yesterday and discussed the proposition that a treaty is simply a contract between two sovereign powers; that nations deal with each other by treaty like individuals do by contract. It is no objection to the validity of a contract as a contract, it does not deprive it of its character as a contract, that it is consummated in its execution; that there is no continuity in it; that it ends when it is made; that it is one act and there is nothing further to be done.

Every deed, every grant where the money is paid, is a contract of that sort. There is no continuity in it. There is no continuance: nothing further to be done. It is ended completely, just as the treaty by which Russia conveyed to us Alaska. When the money was paid, it was an ended contract, as every executed contract is.

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. TURLEY. Yes, sir.

Mr. FORAKER. If the Senator will not be interrupted I should like to ask a question.

I listened with a great deal of interest to his discussion of the term "treaty" and his definition of what is meant by the word "treaty." I understood him to define it yesterday, as he has repeated to-day, that a treaty is simply a contract between sovereign powers. He also insisted, as other Senators have done, that the treaty is not a treaty until it is consummated.

Of course everybody agrees with him as to that. The treaty that was negotiated between this Government and the Hawaiian Republic, therefore, has never become a treaty. It has been simply negotiated. It will be a treaty if it shall be ratified, and not otherwise. Until the moment of its ratification there is no contract between Hawaii and the United States.

Mr. WHITE. Mr. President—

Mr. SPOONER. What of the cession which you say you accept?

Mr. WHITE. That is exactly what I was about to ask.

Mr. FORAKER. The one referred to in the joint resolution? I will come to that in a moment. A great deal has been said, if the Senator from Tennessee will not object—

Mr. TURLEY. I do not object.

Mr. FORAKER. I will take occasion now, as other Senators have interrogated me, to make answer to that.

Mr. TURLEY. I do not object.

Mr. FORAKER. A great deal has been said about the word "cession" being used here.

Mr. WHITE. It is in the preamble.

Mr. FORAKER. It might be that in framing this, if I had framed it, I would not have used that word, but I see no objection to the use of it, used as it has been used. The "said cession," the resolution reads, is accepted. What cession? That which is referred to in the preamble which immediately precedes, and in the preamble the facts are correctly recited, for the preamble recites that a treaty has been negotiated; in other words, that, in accordance with the provision of the constitution of the Hawaiian Republic, the Hawaiian Government has negotiated and done all it can do and all that it is necessary for it to do to manifest its willingness to make an agreement on its part to cede the territory belonging to the Republic of Hawaii. Then follows the resolution, and referring to that preamble and to that transaction, it uses the expression, "said cession." Nobody can misunderstand that language as it is thus employed.

Mr. LINDSAY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Kentucky?

Mr. FORAKER. Certainly.

Mr. LINDSAY. If it will not disturb the Senator, I should like to present this idea to him.

Mr. FORAKER. I am answering a question and I hope not to get too far away from it.

Mr. LINDSAY. This will be pertinent, I think, to the question.

Mr. FORAKER. Very well.

Mr. LINDSAY. The cession named in the act is the cession provided for in the treaty, as I understand it.

Mr. FORAKER. Yes, sir.

Mr. LINDSAY. Article 7 of the treaty provides:

This treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part.

I wish to ask the Senator whether a joint resolution, concurred in by the two Houses but passed through the Senate by less than a two-thirds majority, can be treated as equivalent to the ratification of a treaty by the President of the United States, by and with the advice and consent of the Senate?

Mr. FORAKER. It is not precisely the same thing, but the legal effect of the whole transaction is necessarily the same, according to the view I entertain of the power of Congress with respect to that particular matter, because the result is an absolute cession of the territory belonging to the Republic of Hawaii and an absolute acceptance of it on the part of the United States. Now, I shall show why that is so.

Mr. LINDSAY. One other question, and then I will not interrupt the Senator further.

Mr. FORAKER. Certainly; with pleasure.

Mr. LINDSAY. After this joint resolution shall have been adopted and approved by the President and presented to the Hawaiian authorities, I ask the Senator if they will not have a perfect right to refuse to accept the benefit of the joint resolution upon the ground that a treaty has not been ratified by the President, by and with the advice and consent of the Senate of the United States?

Mr. FORAKER. Undoubtedly they would have a right to ignore all the action that they took previously having reference to the negotiation and ratification of the treaty. They could treat this whole question de novo and take action with respect to this. I do not know that anybody ever contended for the contrary.

What I am commenting upon is that which the Senator from California called my attention to. The employment of the word "cession" here is not ambiguous and it is not an inappropriate word to employ, because it has reference to something that immediately precedes, which is clearly defined, and which is in strict accordance with the facts.

Mr. WHITE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from California?

Mr. FORAKER. Certainly.

Mr. WHITE. We all know the Senator from Ohio is distinguished in law as he is in other avocations. I wish to ask him whether he does not think a cession means a grant, and whether a grant does not presuppose not merely the execution of an adequate instrument, but its acceptance by the grantee, and if that must not be so in the case of a cession?

Mr. FORAKER. Undoubtedly. I stated when I first touched upon this matter that if I had been drafting this resolution I might have employed a different word. But what the word ordinarily means is not necessarily what we are to be governed by here. We must look at the whole instrument and see what it is that the word is intended to mean. When you look at the whole instrument the word "cession," as there employed, has reference to the preamble, and whether it be a correct description of that which the Hawaiian Republic has done or not, it can not mislead anybody, because, interpreted in the light of the context, it simply means to refer to the fact that the people of Hawaii have done all in their power necessary for them to do to manifest to the people of the United States a willingness on their part to cede all their territory to the United States upon the terms and conditions here imposed.

Now, that is all that word means; all it can be made by anybody to mean; all that it can be claimed that it means. Of course it is true that the ordinary interpretation of the word "cession" would imply a consummated transaction—a deed, a bargain, sale, conveyance; but we have to interpret this word according to its context.

Now, coming back to the point where I was when I was interrupted and addressing myself to the point I wanted to make to the Senator from Tennessee, if I recollect correctly I had gotten far enough along to call attention to the fact that he had been arguing there could not be any treaty or any contract until the consummation of it. His contention was that a treaty was simply a contract and that there was not a contract until the treaty was ratified. That contention is correct. A treaty can not be anything but a contract, and there can not be a contract until we approve. But, Mr. President, the Senator from Tennessee will not differ from me when I say there can be no contract unless there be at least two parties to it.

The very minute that there ceases to be two parties to it there is no longer a contract; it is something else; there is no mutuality. The Senator and all the other Senators on his side of the question have argued that there is nothing here, no cession, no contract, on treaty, until this transaction is consummated. Now, I ask Senators to state whether or not there is a contract after it has been consummated. I am speaking of the treaty and not of this resolution. After this treaty shall have been ratified by the Senate, as we were requested by the President of the United States to ratify it, will there be any continuing contract?

No, certainly not; for in the consummation of that transaction the Republic of Hawaii ceases to be, and it is an absurdity on the face of things to say that there can be a continuing contract and that it ought to be a treaty for that reason between the United States and a power that is no longer in existence. Therefore it is that I say—

Mr. WHITE. Mr. President—

Mr. FORAKER. If the Senator from California will allow me just a moment, I say there are cases in which territory may be ceded where it is not at all the proper subject-matter, according to the view I take of it, for a treaty.

Mr. WHITE. I desire to inquire of my friend from Ohio whether the Committee on Foreign Relations, of which he is a member, did not report and earnestly advocate, until within a very short period past, the adoption of such a treaty absurdity as that which he describes?

Mr. FORAKER. Mr. President, I did not mean to say that this particular case was an absurdity. I should have said there might be cases where it would be an absurdity to contend that a cession of territory could be acquired only by treaty. But I will say to the Senator from California that I never did have the idea that this was a proper subject-matter for treaty, and I will tell you why. Let me put a case. When we took the Louisiana purchase by treaty, we did not take all the territory of France, but only a certain designated portion of it—that in this country, and that described by the treaty.

If we had taken that territory without anything more being stipulated for than merely the payment of a certain sum of money, the whole transaction would have been consummated when the treaty was signed and the money was paid, and that would have

been the end of it. That might have been done, I contend, by an offer on the part of France to cede to us that territory and an acceptance on the part of the Government of the United States and the appropriation of the money by the Congress of the United States and the payment of that money. That would have closed it all.

Mr. PLATT of Connecticut. Mr. President—

Mr. FORAKER. But, if you will allow me just a moment, there was something else in that treaty. Certain rights were preserved to the people living in that territory, and we stipulated that those rights should be preserved to them. Therefore, there was a continuing obligation, and there were two contracting parties continuing after the consummation of the transaction, the one to enforce the transaction as against the other. That was a case of a continuing contract. It was a proper case for a treaty. It could not have been anything else, having that continuing obligation, except only a case of treaty.

Now, suppose another case. Suppose England were to-day to offer to cede to the United States the Bermuda Islands for the payment of a stipulated sum of money and that was all there was of it. Suppose she were to say to us, in a proper way, "Pay us \$5,000,000 and take those islands." I think we could take them, and take them constitutionally, if we would simply say, "Here is your money; we accept your offer." It would not have to be by treaty, although there would be two parties remaining in existence to the transaction to enforce the contract, if there were any contract to enforce or anything to be enforced.

But suppose that instead of saying, "Take these islands for so much money, cash down," England should say, "We propose that you shall take them for so much money, but you shall guarantee to us the enjoyment of a coaling station, which we reserve, and guarantee to us certain other rights in these islands which heretofore we have enjoyed," and suppose we had accepted her offer upon those terms; that would of necessity be the subject-matter for a treaty, because, after the consummation of the contract by the signing of it, there would remain two existing parties to it, one to enforce it against the other, and there would remain certain rights and conditions upon which they had stipulated. It could not be anything else than the subject-matter of a treaty.

But this is a wholly different case. Here comes the Republic of Hawaii and says: "We are authorized by the constitution of our Government to enter into a treaty for the cession of these islands to the United States. We have entered into such a treaty upon our part; here it is; we propose it; we offer it to you. Will you ratify it?"

Mr. WHITE. Will the Senator from Ohio permit me to ask him whether there can be a treaty unless both parties have agreed to it, and whether, therefore, the provisions of the Hawaiian constitution have been to any extent complied with?

Mr. FORAKER. I will answer the Senator from California at as full length as he desires if he will only let me finish the proposition which I was about to put.

The Hawaiian Republic comes and says not that "we are willing to cede to you one of our group of islands in order that you may make a coaling station there;" not that "we are willing to cede to you a part of our territory for some stipulated purpose and upon certain stipulated conditions;" but she says, "We come and we

give to you all our territory, and upon your acceptance of this proposition we cease absolutely and forever to be."

Mr. President, there is not any contract, and, therefore, no treaty, until that proposition has been accepted and ratified by a two-thirds vote of the Senate—until that moment there is absolutely nothing that has any legal effect or binding force whatsoever upon anybody.

Is there anything in the nature of a treaty remaining after its acceptance? There are two parties to a contract necessarily. Can there be two parties when only one party is still in existence? The Hawaiian Republic, according to this proposition, ceases to exist the very moment this transaction is consummated. In the consummation of it one party perishes.

Therefore, Mr. President, there is not any contract remaining; and, according to the definition insisted upon by Senators who are arguing here in opposition, there is no treaty, for they tell us with grave emphasis that a treaty is a contract. That is true; but you can not have a contract, and therefore you can not have a treaty, unless you have two parties to it. The very moment you destroy one of the parties your treaty is gone, your contract is gone. But suppose now within a year after this treaty, if it should be ratified and would be consummated—suppose within a year after its ratification we should refuse to pay the money or do something else that it is stipulated we are to do upon the consummation of that transaction, would there be anybody in existence to compel us to do it?

The Republic of Hawaii would be no longer in existence; the Republic of Hawaii, with all the machinery of government, perishes the very minute this transaction is consummated, and the people of Hawaii become subjects of the United States; they become merged with us; they cast in their lot with us; they can not call us to account; it is our common obligation, and they treat with us, relying that we will act in good faith, and they take the risk of that. There would be a treaty, an executed instrument, but no longer in existence except only as a consummated transaction, because there would be nobody to enforce the provisions of it.

Therefore it is, Mr. President, that I say with respect to this matter of acquiring territory that there are cases where of necessity, it seems to me, the acquisition should be by treaty, and there are cases—and this is one of them—where the acquisition should be by a legislative act of Congress. I see no difficulty about the acquisition of the territory of Hawaii in this way for the reasons I have undertaken to state.

I have occupied so much of the time of the Senator from Tennessee that I owe him an apology. I did not think I would interrupt him to this extent, and would not have done so had not other Senators joined in with interrogatories.

Mr. TURLEY. I am glad to yield to the Senator.

Mr. ALLEN. Will the Senator permit me to ask him where he gets his constitutional power to annex by a joint resolution?

Mr. FORAKER. I will ask the Senator from Nebraska where he gets his constitutional power to annex by treaty? The Constitution of the United States is silent on that subject. What does the Constitution of the United States say about the annexation of territory? Not one word. It is one of the implied powers; and I contend that it is inherent. But Senators here take exception to that, and say this is a Government of limited powers; that the

organic law of this country is the Constitution made by the people thereof; and they say the General Government has no power except only that which is delegated.

Pass by, for the sake of argument, the proposition that it is an inherent power of our sovereignty, as it is of sovereignty generally, and I answer the Senator that it is included within the implied powers. The Congress of the United States is especially empowered to promote the general welfare. If the acquisition of an island in the sea be necessary to the promotion of our general welfare, Congress is expressly endowed by the Constitution with power to acquire it.

It is not necessary that I should speak about the war power. I do not rest my purpose to vote for this acquisition upon anything connected with the war. I was just as unequivocally and unqualifiedly for the acquisition of Hawaii a year ago or ten years ago as I am now. The war has but developed the necessity which those favoring the acquisition of Hawaii foresaw years ago would be developed whenever we might come to such a time as we have now reached, when we are in war, and when we are required to keep a navy in the Pacific in order that we may protect our interests.

So I say, Mr. President, if the Congress of the United States sees fit, in the exercise of her power to promote the general welfare, to annex this island or any other, it is competent for Congress to do so.

Mr. ALLEN. Then I will ask the Senator another question, with his permission—

Mr. FORAKER. I will say I mean in this kind of a case, with the limitations I stated a while ago.

Mr. ALLEN. Have we the power to deal with any foreign nation except by treaty?

Mr. FORAKER. I think so, undoubtedly.

Mr. ALLEN. I think we have not.

Mr. FORAKER. There is no provision in the Constitution which says we can not deal with other nations otherwise than by treaty.

Mr. ALLEN. That is not the question. The question is whether we have the power to do it.

Mr. FORAKER. The Supreme Court of the United States held that there was such a power under the reciprocity clause of the McKinley Act—

Mr. ALLEN. That was by treaty.

Mr. FORAKER. It was not by treaty.

Mr. ALLEN. Certainly it was.

Mr. FORAKER. No; we simply provided by law that whenever the President of the United States should ascertain a certain fact, he then might make a certain declaration which would govern the rates of duty on imports from certain countries. There was no treaty about it.

Mr. ALLEN. We authorized the President of the United States to enter into a treaty by reciprocity.

Mr. FORAKER. But the Senate did not ratify it, and the President did not enter into any treaty. He simply ascertained certain facts. The Supreme Court of the United States held that it was constitutional for Congress to so provide, because it was only an exercise of administrative power, and the President was engaged only in administrative acts when he ascertained those facts.

Mr. ALLEN. Congress authorized the President to consum-

mate certain things if he found the existence of certain facts. The act of Congress, together with the act of the President, made a treaty.

Mr. FORAKER. But the House did not join in it except to help make the law. The Senator was talking about a treaty which the Senate ratified. The Senator from Nebraska, if he will stop and think for a minute, will see that the suggestion involved in his interrogatory is not at all tenable, not only in that case, but in many others, doubtless.

Mr. ALLEN. I can not myself conceive of an instance where we can deal with another nation involving the question of jurisdiction or territory independent of the methods of a treaty.

Mr. FORAKER. We did so deal in the case I put. I do not think of any others now, but there are doubtless others, and I will try to think of some of them by the next session of the Senate.

But, however that may be, this is a case where, if I am right in the view I have undertaken to express, it is not proper to deal with it by treaty, at least not so proper as to deal with it by an act of Congress.

When I so express myself as to indicate that I think it might in some sense be proper to deal with it by treaty, I want to be understood. The explanation is this: When they undertake to negotiate a treaty on the other side, and we join with them in agreeing to a treaty, and it is submitted to the legislative branch yonder and to the Senate here, and is ratified and becomes a treaty, although it may not be the proper subject-matter of a treaty, it amounts to the same thing in legal effect as legislation, because it is the expression of a willingness and the offer on their side to make a cession and a willingness and an actual acceptance on our part of that which has been offered.

That is all there is in the legislative act, and the one is therefore the equivalent of the other in ultimate results. I think it is more regular to do it as we are now proposing to do it than by treaty, because, as I say, you can not have a treaty without having a contract, and you can not have a contract without having two parties to it.

Mr. ALLEN. That is true.

Mr. FORAKER. And if one party disappears on the signing of the contract you no longer have a contract.

Mr. WHITE. What becomes of it?

Mr. ALLEN. There are two parties to the contract up to the moment of its execution.

Mr. FORAKER. But there is no contract until it is executed.

Mr. ALLEN. Very well; the moment the contract is signed and delivered it is an executed contract.

Mr. FORAKER. But one party is dead and the contract can not continue as the term "treaty" implies.

Mr. ALLEN. Very well; but that party did not die until after the delivery of the contract.

Mr. FORAKER. Suppose you do not pay the money, who will there be to enforce payment? The people of Hawaii become merged into the United States.

Mr. ALLEN. What is true of a treaty with the United States is true of any treaty.

Mr. FORAKER. No; it is not true of any treaty, because when the term "treaty" is properly employed it has relation to a continuing contract between sovereignties—sovereignties which will exist after the contract.

Mr. ALLEN. Not necessarily.

Mr. FORAKER. As in the case I undertook to put before, as an illustration, of England ceding to us the Bermudas. She would part with a portion of her territory by treaty. That would be by contract, and she would remain in existence to execute and enforce the contract according to its terms and provisions, if we did not.

Mr. ALLEN. But the fact that one party may die after the execution of the contract does not change the binding force of the contract.

Mr. FORAKER. What I wanted to say to the Senator, and what I have been trying to say all the while, is that while you can legitimately annex these islands by what we call a treaty, yet you can just as legitimately do it, and more appropriately do it, by an act of Congress, by a joint resolution. You can do it more appropriately, because, in the first instance, when you undertake to do it by treaty the transaction amounts to nothing more than a tender on the part of one side and an acceptance on the part of the other, and that is all there is in the legislation that we are now considering.

Mr. ALLEN. That is a ground I contest seriously.

Mr. FORAKER. Allow me to say further to the Senator, I wanted to finish the answer to the other question.

Mr. ALLEN. I should like to say this, that I have not any more doubt about the lack of power to annex the Hawaiian Islands—the lack of constitutional power outside of treaty methods or regulations—than I have of my existence, not the slightest. It is only an indirect way of undertaking to destroy the necessity of having a two-thirds majority for a treaty in this Chamber.

Mr. FORAKER. Mr. President, whatever may be the purpose, the Senator can have any interpretation of that he wants; that is not what I am talking about. If we had two-thirds, no doubt the treaty would have been ratified; but from the beginning, as I have been contending throughout this debate whenever I have taken occasion to say anything at all, I have contended that it is more appropriate to do this by legislation, for the reasons I have indicated.

Mr. SPOONER rose.

Mr. FORAKER. I hope the Senator from Wisconsin will wait until I answer the Senator from Nebraska. I shall be glad to answer the Senator from Wisconsin or anybody else if the Senator from Tennessee will allow me. This is one of those questions I have convictions about. They may be wrong, but I have them and I have my reasons for them, and nobody can ask me any question which I can not at least undertake to answer and give the reason why I entertain that opinion.

Senator talk about it being unconstitutional to annex except only by treaty, as though the Constitution of the United States had provided that there should be annexation by treaty. Mr. President, the Constitution of the United States is silent on the question of the annexation of territory. It does not seem to have entered into the minds of the framers of the Constitution to put into that instrument any express provision on that subject. They contented themselves, as they wisely did with other subjects, in regard to this subject with a general provision. They gave to Congress the power to promote the general welfare, and that carries along all the implied powers essential to the consummation of that purpose.

When they came to the treaty-making power they did not say in the Constitution what should be the subject-matter of a treaty. They simply said that treaties might be negotiated by the President, subject to ratification by the Senate; they did not say what we should treat about, and I agree with Senators on the other side that a treaty is a contract. You can not have a contract unless you have two parties to it, and you do not have any contract—that has been your contention throughout—until the treaty has been signed on both sides. The very minute that is done one of the parties is gone, and there is no continuing contract. Therefore it is simply a cession on their part and an acceptance on ours, and it might be done just as well by legislation as otherwise.

Mr. CLAY. I understood the Senator to say that a treaty was a contract which required two parties—

Mr. FORAKER. At least two.

Mr. CLAY. Two parties or more; and if we accepted this territory one party was done away with, and therefore this is not a treaty, and that we could acquire this territory by legislation instead of by a treaty.

Now, I should like to ask the Senator, if that be true, is not his position simply this: That if we treat with the Government of these islands for a part of the islands, they reserving the balance of them, then it would be a treaty and it would require a treaty to acquire that territory; in other words, if we simply take a part of the country, then a treaty is necessary to acquire it; but if we take the whole of it, then it requires simply legislation. Is that the position of the Senator from Ohio?

Mr. FORAKER. I stated that position here without any qualification in that way a few days ago when engaged in a colloquy with the senior Senator from Georgia [Mr. Bacon]. I want to qualify it, as I should have done at the time, to this extent: There may be cases, as I have already illustrated in the remarks I have been making now, where it is not necessarily the subject-matter of a treaty to accept a part of the territory of a foreign country, but in most cases it would be, and I illustrated that—the Senator was not here, and I will be pardoned for repeating the illustration—by supposing that England were to-day to offer to cede to us the Bermuda Islands—

Mr. CLAY. Or Canada.

Mr. FORAKER. Or anything. Suppose she would offer to cede to us one of her islands in the sea for a stipulated sum of money and the Congress of the United States, or the President of the United States, representing both, would signify our willingness to accept and we should appropriate the money and pay it, it would not be necessary to have any treaty about it, I apprehend.

There is nothing in the Constitution which requires a treaty. It is a tender on one side and an acceptance on the other, but if, instead of making it in that simple way, she were to tender to us one of these islands for so much money, saying: "I will give you the island, subject, however, to the right, which I reserve, and which you guarantee to me for the enjoyment through all time to come, of a coaling station," or of some other right or privilege there, where she has been heretofore supreme, and we were to accept the cession subject to the terms and conditions, there would be a continuing obligation, and there would be two continuing contracting parties, one of which could enforce it against the other, and that would of necessity, as it seems to me, be a proper

case for a treaty, and not a case for acceptance by an act of Congress.

But that is not this case, and I want to distinguish this case from that. I say, as a broad proposition, that the Congress of the United States has power expressly given to it to promote the general welfare, and if we deem it a promotion of the general welfare to acquire any island of the sea that has its own government—but I will take the case before us—if we deem it to be a promotion of the general welfare to accept the cession from the Republic of Hawaii of all its territory, one of the conditions being that the Republic of Hawaii ceases to be, it is not a proper case for a treaty, for the very minute the treaty is consummated there is no treaty—there is no contract, for one of the contracting parties is politically dead and gone.

Mr. ALLEN. Will the Senator permit me again a moment?

The PRESIDING OFFICER. Does the Senator from Ohio yield?

Mr. FORAKER. I yield by the permission of the Senator from Tennessee [Mr. TURLEY], who is entitled to the floor.

Mr. ALLEN. I beg the Senator's pardon. This resolution recites in the preamble that "the Republic of Hawaii having, in due form, signified its consent" for the cession of its sovereignty. Then it resolves:

That said cession is accepted, ratified, and confirmed.

Is not that a treaty, if the joint resolution passes?

Mr. FORAKER. If it is, then all the objections which have been urged to this resolution fall to the ground, for the objectors say they would not object if it was a treaty. I am assuming, for the sake of this argument, that their objections are well taken, that it is not a treaty, but a joint resolution or an act of Congress. I have said it is equivalent to a treaty.

Mr. ALLEN. What I want to call the attention of the Senator to is this, that it recognizes the existence of two parties to this transaction, the Republic of Hawaii on the one hand and the Government of the United States upon the other, and the necessity of the consent of both of these parties to annexation. What is that contract, treaty, or stipulation between these sovereigns?

Mr. FORAKER. With that question I am not concerned.

Mr. ALLEN. I think the Senator ought to be concerned.

Mr. FORAKER. I am perfectly willing to be concerned in order that I may accommodate the Senator from Nebraska. What I meant to say was—not to cavalierly dismiss the question the Senator would ask—the character of my argument does not involve a consideration of that matter.

The question before us is whether it is competent to acquire this territory by act of Congress, it being conceded that it would be competent, as I understand it is conceded to acquire it by treaty. I have said I think it would be competent to acquire it either way, and I explained why. But I have said also that I think it would be more appropriate to acquire it by joint resolution or by bill, by act of Congress, as we are now proposing to acquire it, than by treaty, for the reasons I have given.

It is true that the joint resolution recites that the Republic of Hawaii have indicated a willingness to make a cession of that territory. We do not say they have ceded it.

Mr. ALLEN. Yes.

Mr. FORAKER. Let us see if we do. I interpreted that word a while ago, but I think the Senator from Nebraska was not in the Chamber at the time. Let me read the whole of it, so that it may go into the RECORD, and so that what we are saying may be understood:

Joint resolution to provide for annexing the Hawaiian Islands to the United States.

Whereas the Government of the Republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution—

That is true, is it not?—

to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States the absolute fee and ownership of all public government, or crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining. Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That and cession is accepted, etc.

Now, what I say is that while the word "cession" ordinarily would imply that a cession had been actually made, that the deed had been signed, that it was in full force and effect, you must construe the word "cession" as there employed in the light of the context it refers to, the preamble; and when you refer to the preamble you see the word "cession" properly interpreted means nothing more as here used than a declaration on our part that we will accept the tender which they have expressed a willingness to make. Whether the word was appropriately used or not, that is what it means of necessity.

Mr. ALLEN. When we pass this resolution and it becomes a law, the transaction is consummated except the delivery of the property.

Mr. FORAKER. It would have to be accepted on the other side. This is not the ratification of a treaty. We can not by a joint resolution annex Hawaii.

Mr. ALLEN. But the joint resolution says so.

Mr. FORAKER. We can recite the fact that they have manifested a willingness, as shown by the treaty which we had in mind when that joint resolution was drafted, to make a cession to us; but when we do not ratify the treaty, but do something else, namely, pass a joint resolution, the transaction is not consummated until they agree to it.

Mr. ALLEN. Will the Senator permit me a word further?

Mr. FORAKER. Yes.

Mr. ALLEN. The joint resolution reads:

That said cession is accepted, ratified, and confirmed, and that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States and are subject to the sovereign dominion thereof, and that all and singular the property and rights hereinbefore mentioned are vested in the United States of America.

Mr. FORAKER. I say the whole phrase must be interpreted, as I said a while ago, in the light of the preamble. The language of the resolution refers to the preamble; and what is already recited in the preamble? Not a cession actually made, but a willingness to make a cession, an expressed, manifest desire that they should be annexed to the United States, and that we are willing to accept them.

I admit that ordinarily the language would go further than that, but you must interpret it in the light of the preamble. I

say it is not a consummated transaction; it does not seem so to me, at any rate, when we simply pass this resolution, because we can not by a resolution affect the territories of other countries without their consent.

Mr. ALLEN. If I make a written proposition to transfer to the Senator certain property for a certain consideration and he accepts that in writing, is not that a consummated contract except so far as the mere fact of delivery is concerned?

Mr. FORAKER. Yes, it is.

Mr. ALLEN. Very well. When the Hawaiian Government, without any restriction or proviso, say they transfer their sovereignty to us, and we say we accept the transfer and thereby assume jurisdiction over that property, is not that a consummated contract?

Mr. FORAKER. I say this in regard to that, if the Senator from Nebraska will allow me, that they have made a tender to us. That is consummated upon our unqualified acceptance of it; but the recital of the preamble is only that they have manifested this willingness; but if this resolution goes to the extent that the Senator from Nebraska contends, I certainly do not object to it. I should be glad if the transaction were closed by the mere passing of this resolution. It may be possible that that may be the construction of it, and, if so, I would be pleased.

Mr. ALLEN. The question I regard as of the most importance is this: The proffered cession by the Hawaiian Government and the passage of this resolution recognize two parties to the transaction. Is not that correct?

Mr. FORAKER. Certainly.

Mr. ALLEN. Now, suppose one of the parties dies absolutely on the passage of this law as completely as by an ordinary treaty?

Mr. FORAKER. Certainly; and for that reason and because the whole transaction is ended I say it ought to be by act of Congress instead of by treaty.

Mr. ALLEN. If one of the parties dies by virtue of the passage of the joint resolution, why should we adopt this form?

Mr. FORAKER. We ought to adopt this form, as I have been trying to explain all the while, because, in my judgment, it is better to make a contract by legislation for the acquisition of the Hawaiian Islands than by a treaty, which is not, rightly considered, a contract executed by its consummation, but a continuing contract.

Mr. ALLEN. Not necessarily so.

Mr. FORAKER. I think it is necessarily so, or, at least, more properly so. Take the case I put a while ago of a cession by England to this country of an island, with the reservation of certain rights which we guarantee to preserve for her and protect her in the enjoyment of. That is a case for a treaty, because there is an existing contract which is to continue through years, and there are two parties to it. If it is a transaction that is consummated by merely signing the documentary evidence of it, I do not think it is necessary to have it by treaty.

Mr. ALLEN. I wish to say that there can be no force in what the Senator says, if he will permit me, on this proposition, because the Hawaiian Republic dies as quickly and as effectively by the passage of this resolution as by the adoption of the treaty.

Mr. FORAKER. Certainly; that is what I claim. It dies, no matter which way you consummate it; and because it dies alike in both cases, this is the preferable way.

Mr. ALLEN. Then, why should we throw aside all the traditions of our Government and all the precedents and undertake to avoid the constitutional objections of the necessity of two-thirds to ratify a treaty and adopt this resolution by a majority?

Mr. FORAKER. I say you do not throw away any tradition, nor do you throw away any precedent; on the contrary, you conform to the precedents in so far as precedent has anything at all to do with it. I know the Senator from Georgia [Mr. BACON] made a very able argument the other day to distinguish between the acquisition of Texas and the annexation of the Hawaiian Republic, the one being the admission of a State into the Union and the other the admission of territory, but in no case similar to this has it been held that you could not annex by statute or by joint resolution, because we have never had any such case. Then why should Senators talk about precedents and traditions?

Mr. ALLEN. I submit to the Senator that the question was submitted to a popular vote of the people of Texas.

Mr. FORAKER. If that is the point of objection, we are not talking about that. I have heard a great deal said about the people of Hawaii being consulted on this matter and about the inequities of this thing on that account; that we should order a plebiscite and take the sentiment of the people there. Why, Mr. President, Senators who manifest such concern about the people of Hawaii being consulted about this matter seem to have overlooked the fact that the people of Hawaii have never in all their history been consulted in respect to the character of their government. They adopted a constitution in 1840, the first they ever had. Until that time they had an unlimited monarchy.

How did they get that constitution? The King simply promulgated it. Nobody was consulted. In 1852, when that constitution was changed, the people were not consulted. The King then simply promulgated an amended constitution. In 1864 they had the same thing over again; in 1887 the same thing again, and in 1893 Queen Liliuokalani was proceeding to do the same thing, and that precipitated the rebellion of that time.

Mr. WHITE. Mr. President—

Mr. FORAKER. Let me say further, before I conclude, that her predecessor had been elected by a legislative body, which consisted, I believe, of thirty or forty members. He had a majority of the legislative body, a very large majority, but when he was elected, the people, whom we are told must be consulted in all these things, rose in a riot; they had anarchy, they broke into the Government house, and undertook to murder the man who had been elected to be their King; and why and how was murder prevented?

Mr. President, it was prevented by the marines of two United States ships, which happened to be there in the harbor, being landed and being marched up to the Government house, taking possession, holding it for ten days, until that King who had been elected without any consultation of the people could be firmly established upon the throne he had taken. This talk about consulting the people of Hawaii is unusual in two respects.

The idea that our Government should go behind the Government of Hawaii in order to consult the citizens of that Republic is a thing unheard of in international law and diplomacy, and in the second place it is an extraordinary manifestation of interest in the suffrage rights of a people who never had any suffrage rights, who never were consulted in any case.

Mr. ALLEN. Does the Senator hold to the doctrine that the legislative and executive power of the Hawaiian Islands can transfer the sovereignty of that power and destroy its Government without consulting the people?

Mr. FORAKER. I hold that there is a Government in Hawaii, and that Government is called the Republic of Hawaii. It is acknowledged to be the lawful Government and the only Government in the islands of Hawaii, acknowledged not only by this Government, but by all the governments of the world that have acted in the matter at all, recognized as the true and lawful Government of the islands of Hawaii, and I say it is competent for that Government to act.

It is not for us to look how it was established, although I have no hesitation to look at that. I find no trouble about that. When that Government thus recognized sees fit to enter into a treaty with us, it would be an extraordinary thing if we were to undertake to consult the people behind it in order to see whether or not they were willing that their constituted authorities should make the kind of treaty they have proposed.

Mr. ALLEN. Then the Senator holds to the doctrine that the legislative branch of the Government, or any branch, or all combined, who are the agents of the Government to carry out its purpose, may lawfully and constitutionally overturn and destroy that of which they are the agents?

Mr. FORAKER. Unquestionably, when they are authorized to do so; and they are authorized by the constitution of Hawaii to do that very thing.

Mr. ALLEN. But it was established during a revolution.

Mr. FORAKER. Suppose it was. Is it not the lawful government? What was the revolution in Hawaii? There was not anything done in connection with the revolution that you and I and every Senator would not have joined in doing if we had been there.

Mr. BACON. I beg to enter a disclaimer for myself.

Mr. CAFFERY. Mr. President—

Mr. PETTIGREW. There is not a Senator on this floor who would be a party to such a transaction, and I will show that clearly before I get through.

Mr. FORAKER. That is a matter of opinion. I have read the history of that transaction in Hawaii, and I do not see that there was anything done by the representative of the United States in Hawaii that ought not to have been done to protect the property interests of our citizens and to protect the honor and dignity of this country.

Mr. ALLEN. If the Senator will permit me to say it—it may not be very germane, but I have no doubt—I was in the Chamber when the revolution took place—that the act of Mr. Stevens was absolutely and inexcusably unlawful, and if President Cleveland had promptly taken steps to right it and had not waited months and months until a change of government took place, I would have been one of the Senators who would have supported him.

Mr. FORAKER. After all that has been said, I say again, as I said before, that that is a matter of opinion. I have my opinion, and I say, having read the history of this transaction, that the representatives of the United States, and particularly Mr. Stevens, did not do anything in Hawaii with respect to the revolution which it was not their duty to do; and the fact that they landed the marines there is no more potent objection than when the

marines were landed a few years ago, to which I called attention a few minutes ago.

Mr. CAFFERY. This discussion is very interesting. I have not heard the whole of it, but I should like to know the Senator's position on the matter of the treaty. If I state his position correctly, I will follow it with a question. If I do not, the Senator will correct me. I think he stated that the Hawaiian Government authorized a tender, made a tender, of the territory of Hawaii; did not absolutely cede it, because they could not do so, but made a tender of cession.

Mr. FORAKER. Pardon me. What I said was this: I said the facts as recited in the preamble amounted to an expression of a willingness to cede it.

Mr. CAFFERY. Very well; amounted to a willingness to cede it.

Mr. FORAKER. To an expression of willingness.

Mr. CAFFERY. The Senator says when we accept it, when we meet that willingness by a joint resolution, that that does not amount to a full alienation of the territory of Hawaii to the United States; in other words, it is not a contract consummated.

Mr. FORAKER. Now, the Senator must remember what I said about that. I said that was a matter about which I was not disposed to raise any contention, but I thought it might be contended that because they expressed that willingness in the form of a treaty, which we had refused to ratify, they might say that they were not bound by such action as we are proposing to take, by joint resolution, because when they made the offer it was in the form of a treaty which we refused to ratify. Whether they will regard themselves as bound by this—I have no doubt they will—is a matter about which there might be debate. In my judgment, it would not be held that this was the end of the transaction, because the proffer was by treaty. But upon that I have no disposition to be contentious. I may be in error.

Mr. CAFFERY. In other words, they made the proposition in the form of a treaty, and we accept it in another form.

Mr. FORAKER. We made a proposition to take them at the same time they made a proposition to come. We both acted by treaty, and it was in the contemplation of both that we would act by treaty. I can understand, if the Senator will allow me to state more plainly what is in my mind, how the Republic of Hawaii might say, "I am perfectly willing to go in by treaty, as was agreed and contemplated and as I expressed a willingness to do, but I have some question about this procedure. I have read the debates of the distinguished Senator from Tennessee [Mr. TURLEY] and the distinguished Senator from Georgia [Mr. BACON] and other Senators to the effect that it is unconstitutional to take me in in this way, and I do not want to go in unconstitutionally. Therefore I decline to go in. This is a different road from the one we agreed upon." I have in my mind the thought that they might see fit to take some such action as that, if they are not willing to come now as they were when we negotiated the treaty, and in that event I think they would be free to take such position.

Mr. CAFFERY. I understand that if the Government of Hawaii accepts this joint resolution, it would then amount to a contract.

Mr. FORAKER. I think it would.

Mr. CAFFERY. Is that the Senator's contention?

Mr. FORAKER. It would be an executed contract, certainly, and the Government of Hawaii would pass out of existence. So, if we ratified the treaty, it would pass out of existence and there

would not any longer be a treaty. It would be an executed contract. There would be no longer two parties to the contract.

Mr. BACON. I should like to ask the Senator from Ohio a question in this connection. If, on the other hand, the Government of Hawaii were to refuse to stand by what it has heretofore agreed, would not the joint resolution be absolutely null and void and of no effect?

Mr. FORAKER. It is possible. That is what I have said.

Mr. BACON. There is no possibility about it. Must it not necessarily be so?

Mr. FORAKER. I do not say necessarily.

Mr. BACON. Unless we are going to enforce it by war, as a matter of compulsion.

Mr. FORAKER. I can explain to the Senator, if he will allow me, just what I have in my mind when I say "possible." If the view which I suggested as possible to be taken by Hawaii should be taken, that this was not a ratification of the treaty, that she had never proposed to come in in this way—if she should take that view of it and refuse, it might be construed that she has a right so to construe it. So it is one of the debatable propositions, because she did not offer to come in by a joint resolution. She offered to come in by treaty. If, on the other hand, she should say "I regard this as an acceptance," and I think she will, then she will come in.

Mr. BACON. In other words, the validity of the joint resolution must depend at least upon the consent and agreement of Hawaii. Is not that necessarily so?

Mr. FORAKER. Certainly. That is what I have contended all the time.

Mr. CAFFERY. Will the Senator permit me to ask him another question which I intended to ask? In response to my first inquiry he stated that the act of the Government of Hawaii was a mere tender, a mere expression of willingness to cede.

Mr. FORAKER. So the preamble recites.

Mr. CAFFERY. Then, if we accept by joint resolution the offer of willingness to cede, does that make anything more than an executory contract?

Mr. FORAKER. I say that is one of the debatable propositions. It is not necessary for me to pass upon it. I have called attention to the fact that I think there might be controversy over that. There is room there for argument as to what the construction should be. It is not necessary that I should settle it. What I am endeavoring to establish is that, according to my view, we may constitutionally accept the islands by legislative act.

Mr. WHITE. Before my friend the Senator from Ohio leaves the floor, if I am not interrupting him, and I feel that I have interrupted him several times, I should like to know whether he pays any attention to the thirty-second article of the Hawaiian constitution.

Mr. FORAKER. I have called attention to it.

Mr. WHITE. I should like to know whether he thinks that the general-welfare clause of the Hawaiian constitution covers all the omitted authority with reference to a grant of that Republic.

Mr. FORAKER. I have called attention to it already, and I will say to the Senator that I think we can afford to dismiss it by saying that is Hawaii's part of the business.

Mr. WHITE. If we are making a contract with a nation, I suppose the ability of the nation to contract is of some materiality. It is to me, although it seems it is not to the distinguished Senator from Ohio.

Mr. FORAKER. No; the Senator from California does me injustice when he imputes that I have no regard for the ability of Hawaii to contract. What I had in mind—I did not mean to be discourteous—in my answer to the Senator was that that is the constitutional provision. They have in making the treaty acted in conformity with the requirements of that provision. The Senator from California so contends, I believe.

Mr. WHITE. I do not. I say there has been no treaty made.

Mr. FORAKER. I know; in proposing the treaty, then. There is no contract.

Mr. WHITE. They have taken one step.

Mr. FORAKER. I know. In proposing that they have acted in conformity with the Constitution. If we should ratify the treaty and they should ratify it—I believe they have ratified it—there would be a treaty, and they would have acted in conformity with that provision of the Constitution. Now, then, how they will act when the joint resolution is passed I do not know. That is something to be hereafter dealt with. What I meant to say to the Senator was that it has no relation to the question I am arguing, of the constitutional power of Congress to accept the territory.

Mr. WHITE. I feel, as the Senator from Ohio is a member of the Committee on Foreign Relations and the only member of the committee who has thus far ventured any defense of what I consider to be a very preposterous proposition—

Mr. FORAKER. Let me say to the Senator that he does the Foreign Relations Committee a very great injustice when he makes that remark. The Senator from California must remember, and it ought to be made to appear in the RECORD, that we considered the treaty for months in executive session, and in executive session this whole subject was most elaborately and exhaustively discussed by the friends as well as the opponents of annexation.

Mr. WHITE. And having been so discussed, the distinguished Senator comes here admitting the justness of criticisms made upon the phraseology of this long-entertained resolution, and expresses doubt as to whether the measure, which was thus long considered and reported after great deliberation, was in reality the proper method of procedure.

Mr. FORAKER. The Senator from California is unwarranted in his statement that I admit that there is ground for criticism of the language employed. The fact that I might not have employed the word "cession" is not equivalent to criticising it. I contend that it is a perfectly appropriate word when considered in the light of the context, as it should be considered. There can not be any question as to what is meant by the word "cession," because it says the "said cession."

Mr. WHITE. What the preamble says is very little said, as we know in usual matters of legislation. The word "cession" has a well-defined meaning, admitted by the Senator from Ohio to be in accordance with the definition given to it by myself and other Senators upon this side of the Chamber. That resolution is now before the Senate. It is not a case where we are considering something done and attempting to find out the meaning of a legislative body which has passed a law, but we are now framing a law containing an admitted ambiguity which there is no suggestion to correct.

Mr. FORAKER. So the word "grant" has a definite meaning.

Mr. WHITE. Certainly.

Mr. FORAKER. If you use it with respect to personal property and the context shows it, every court would say it has reference to the passing of personal property and interpret it accordingly.

I am much obliged to the Senator from Tennessee [Mr. TURLEY].

Mr. WHITE. I wish to thank the Senator from Ohio for his liberality to me in the matter of interruption.

Mr. CLAY. Will the Senator from Ohio permit me to ask him a question?

Mr. FORAKER. I have an engagement to be at the depot at 3.45, and it is now 3.30.

Mr. CLAY. Just one minute. I understood the Senator to state on the floor of the Senate that it was absolutely necessary to acquire the Louisiana purchase by treaty from the simple fact that there were continuing rights to be enforced by the United States to the people occupying that territory. If the Senator takes that position, is not the case now pending before us a similar one? If we adopt the joint resolution, are there not continued rights due from us to the people of that island? Is it not true that the argument which he has applied to the purchase of Louisiana would apply in this case?

Mr. FORAKER. Not at all. The case of Louisiana affords ground for the broad distinction which I have been making. The French owned Louisiana and they ceded it to the United States. The French Government continued in existence. They ceded it, not merely for a sum of money, but upon certain stipulated conditions as to the rights of the occupants and inhabitants of the country, which conditions continued into the future. Therefore, I say it was a case where a contract was made and the contract did not perish when it was consummated, because both parties continued to exist afterwards as before. But here the distinction is that the minute you consummate the contract the Republic of Hawaii falls to the ground, and there can not be such a thing as a contract without parties.

Mr. PETTIGREW. There are conditions in the treaty which we have to carry out.

Mr. FORAKER. To pay money.

Mr. PETTIGREW. We assume a debt.

Mr. FORAKER. We assume to pay a debt, and the very moment that the treaty is ratified, if it should be, the people of the Republic of Hawaii become citizens of the United States, become our subjects, pass under the dominion of our law, and the Government of the Republic of Hawaii passes out of existence.

Mr. PETTIGREW. The only distinction is that there is no country in existence that can punish us for breach of contract.

Mr. FORAKER. The only distinction is that there is not any contract where there are not two parties.

Mr. PETTIGREW. There are two parties when the contract is made.

Mr. FORAKER. Certainly; and the contract was consummated when it was made. That is all the distinction there need be.

Mr. PETTIGREW. Its terms do not carry consummation when made.

Mr. FORAKER. It is not a question of good faith. We are talking about the constitutional power—whether of necessity this must be done by treaty, and I say no.

SPEECH

— OF —

HON. J. B. FORAKER,

— AT —

WOOSTER, OHIO,

OCTOBER 5, 1898.

FELLOW-CITIZENS :

We are approaching another election. This time we choose not only state officers, but also members of Congress. Our action will have reference therefore to both state and national affairs. As to both we are attended by auspicious circumstances. Republicans are to be congratulated upon the success with which they have been represented in both these fields of public duty. Never in the history of our commonwealth have we had a more creditable state administration than that which

GOVERNOR BUSHNELL

Has given us. Under his wise guidance our finances have been freed from embarrassment and the state has been able to meet its obligations, not only of indebtedness, but of duty generally. The public institutions have never been in better con-

dition. Economy, good order and good results are witnessed on every hand. There have been no peculations, defalcations or scandals of any character. The cauals, the penitentiary and benevolent institutions come up to the highest requirements and expectations of good government. All honor to such a Governor. His administration will live long in history as a model, seldom equaled, probably never to be excelled. No words of compliment and praise, gratitude and appreciation are too strong to be spoken in his favor. He merits all. No snapping and snarling or carping and sneering of spiteful malignants, who place selfish ends and factional triumphs above party good, public service and party honor, will affect his record or conceal from his fellow-citizens, his noble, generous, loving character as a man, his sterling qualities as a Republican or the just and honored distinction he has achieved as our chief magistrate. Turning now to

NATIONAL AFFAIRS

We see only the most inspiring conditions.

President McKinley has justified the most sanguine expectations of his most ardent friends. Great responsibilities and high duties have fallen to his lot. He has met every demand and has triumphed over every difficulty. He enjoys the admiration as well as the confidence, not only of the whole country, but of the world. His administration will live in history with those of Lincoln and Grant. The course of events has been such as to create a new political atmosphere and a new political life. It is as though old things had passed away and all things had become new. Cleveland's administration settled the tariff question for fifty years to come. It is no longer necessary to resort to argument to show the beneficence of protection. The war with its blazing enthusiasm has killed "16 to 1" and

burned out all petty heresies, isms and pessimistic ideas, which, for the want of something better, have been occupying the minds of minor political organizations. We instinctively realize that we are today on a higher and broader plane, with different and more heroic questions to consider, than have been presented to us during the last quarter of a century.

THE WAR

Came while a Republican administration was in power, and must now be settled by that administration. For its origin, its character and its settlement we are, therefore, accountable. If we can give satisfactory answers upon all these points, we should be upheld and continued in power; for fidelity and success in these respects have been of the highest concern and of the greatest importance to the American people. The beginning was in our duty to Cuba. What that was can not be fully understood and appreciated without taking into account the Monroe Doctrine and its applications to the case. One of the propositions involved in this doctrine, for which the American people have resolutely stood since its enunciation in 1823, is that, except only as European powers may be already represented by their possessions in the Western Hemisphere, they shall have nothing whatever to do with any island or state in North or South America or belonging to the American system. For this reason England, France, Russia and Germany, all the great nations of the earth, were debarred from interfering in any manner with the affairs of Cuba. We had warned them that we ourselves would look after that island, and that only ourselves would be permitted to look after it. The result was that whatever of responsibility arose for what was occurring in Cuba belonged to us, and to us alone. We had, therefore, a special

duty with respect to that people. It is not necessary to go into a detailed account of the troubles between Cuba and Spain. It is sufficient to say that the government of the island by Spain was so tyrannical, so oppressive, so abusive and so burdensome that it was impossible for any human endurance to tolerate it. With a population of only a million and a half in round numbers, most of them extremely poor, the island was compelled to pay revenues to Spain amounting annually to more than twenty-five millions of dollars. They were required to pay not only upon all their property, both real and personal, at the most exorbitant rates of taxation, but they were indirectly taxed in every way that ingenuity could devise.

A Cuban could not belong to a literary society or a social club without a special permit therefor, and he could not attend any kind of a public, social or club meeting without a notice to the authorities, so that an official might also attend to report proceedings to the government; and for all these burdens of taxation and deprivations of personal liberty there was no compensation. Except only the mere pretense, they were denied schools and public highways, and, in short, all modern facilities for the enjoyment of modern civilization. It is no wonder that they rebelled. No people, capable of resistance, would endure such a tyranny. During the ten years war murder, rapine, outrage and ruin characterized the conduct of the Spaniards. It is established history that during that period, in addition to all who fell in battle, and in addition to all who were captured and put to death as prisoners of war taken in battle, there were more than eighteen thousand men, women and children sentenced to death and executed because their sympathies were with the cause of the Cubans. It was during this war and at Santiago, now forever a place of great historic interest to all Americans, that fifty-three of

the crew of the *Virginus* were brutally murdered. All the world expected the United States to go to war with Spain then ; almost all Americans felt humiliated when our nation failed to do so. Hamilton Fish was then Secretary of State, and furnished the argument on which President Grant excused himself for not avenging the inhuman outrage. It is a fact worthy of note, if not significant coincidence, that twenty-odd years later, at the same spot, young Hamilton Fish, the grandson of the Secretary, should fall at the first fire, and be followed to his death by thousands of others—the flower of our youth and our army.

But brutal and uncivilized as was the war of 1868 to 1878, the present war has far surpassed it in those features. This struggle was but a renewal of the former war with added provocation and added bitterness and savagery. Cuban soldiers, when captured, although taken in battle with their arms in their hands, fighting under their adopted flag, were, almost without exception, immediately and in a most brutal manner put to death. Ruin, waste, destruction, pillage, murder and atrocity prevailed on every hand. The war had already attracted the attention of the world as exceptionally uncivilized and inhuman, when, on the 16th day of February, 1897, it was made to exceed in those particulars any war of either ancient or modern times. For three hundred years the brutalities of Alva in the Netherlands have shocked the students of history, but when the reconcentration order of Weyler went into effect the most inhuman barbarity commenced that has ever been known in the annals of civilization. Innocent pacificos, men, women and children were huddled together by the thousands and tens of thousands for the express purpose of being murdered by starvation. President McKinley in his message of December 6, 1897, fittingly characterized this barbarity as a war of extermination. It is estimated that

from this cause alone more than 200,000 of these helpless victims met their death. Day after day and week after week and month after month, until April, 1898, our faithful consular representatives in Cuba reported the horrible conditions which they were compelled to witness, and through all these terrible months there came to us an unbroken wail of woe and a despairing appeal for this great Christian country to come to the rescue. President McKinley repeated the offer that had already been made by President Cleveland of friendly mediation, and did everything that could be done by diplomacy to end the war on a basis that would be honorable to Spain, or, if not that, to at least ameliorate its conditions and bring it to a civilized basis; but in vain. Finally, when the conditions became intolerable, and the President was satisfied that he had exhausted all his powers, he submitted the whole matter to Congress for its action. He did not have long to wait. Congress had been prepared to act for months; but it had waited on the President until he, having exhausted diplomacy, should present his views upon the situation. He recommended that we should intervene, if that became necessary, as a neutral power, to impose, for the purposes of pacification, an equal constraint upon both Cubans and Spaniards. But the Congress had determined that the time had come for the Spaniard to go, and that our intervention should be one of hostility to Spain, and that our action should be expressed in words so plain that all could understand what we meant. We accordingly demanded the immediate withdrawal by Spain from the island, and authorized the President, in the event of Spain's refusal to comply, to drive her out. This action was justified by the fact that Spain's government of the island had been so wretched and so wicked that she had forfeited all rights of sovereignty and because she had created such hatred and

bitterness between the Spaniards and the Cubans that there never could be peace and prosperity in the island with a continuation of Spanish sovereignty, no matter how liberal a government might be allowed. In our opinion the Cubans had rebelled for just cause. They had struggled heroically. They had expended more blood and treasure and life than any other people in the history of the world had ever been called upon to expend to secure liberty, freedom and independence. They were entitled upon that account alone to the recognition and help of this great republic. But aside from considerations of that character, upon the mere ground of humanity, which was the controlling feature in the whole matter, it was our duty to put a stop to the shameful savagery, rapine and starvation that were being practiced. We could not longer refrain from taking action without ourselves becoming morally responsible for the thousands of lives that were perishing. Aside from all these considerations, we had a further right to intervene. It was necessary for the preservation of our own interests. Our commerce with the island had been entirely destroyed. Thousands of American citizens lived in Cuba and were engaged in business there. Their property, to the amount of many millions, had been destroyed without any compensation whatever, either present or prospective. Many of our citizens had been arrested and imprisoned and some of them had been put to death. All who were taken into custody had been cruelly mistreated. We had been compelled as a government to expend millions of dollars to patrol our coast to prevent infractions of international law by our citizens in behalf of the Cubans, toward whom our hearts went out in patriotic sympathy; a sympathy that was expressed in the Republican platform, on which President McKimley stood when elected, in the following lan-

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 guage: "We watch with deep and abiding interest the heroic battle of the Cuban patriots against cruelty and oppression, and our best hopes go out for the full success of their determined contest for liberty."

As President McKinley said, the then existing conditions had become intolerable. We did all in our power to remedy them without resort to extreme measures. But in addition to all this there remained the destruction of the *Maine*. This battle ship had been destroyed in the harbor of Havana while there on a friendly mission and in the custody of their officials, by a sub-marine mine—a government agency—which could not have been exploded except only by official action or official negligence. This "incident," as it was called, was an atrocious and perfidious crime, and the report of the official Board of Inquiry, although not saying so in so many words, yet fastened the responsibility for it upon Spain. It was sentimental nonsense to talk about settling such an affront by arbitration and accepting a money compensation as a satisfaction for the lives of our murdered sailors. Peace at such a price would have been pusillanimous and would have forfeited all respect for us on the part of the rest of the world. Therefore it was we had reached the place where both humanity and self-respect commanded us to fight. Many preferred an open, out-and-out declaration of war, and resolutions of that kind were introduced; but upon full consideration, Congress determined to intervene and pacify the island by the expulsion of the Spaniards. I mention all this in detail and with particularity because there are those who have been saying that this action of Congress was unwarranted and that the war that followed in consequence was cruel and unjust. In an interview recently published in the *New York Herald* and republished in other papers, ex-Secretary Sherman, who was then the head of the State

Department, is reported as using this language: "The entire responsibility of the war with Spain rests upon the shoulders of Congress. It was the Congress who declared war and delivered to Spain an insulting and exasperating proclamation." Then, after quoting the resolutions that were adopted, speaking of the war as "cruel and unjust," Mr. Sherman said: "It was not necessary for us to go to war with Spain. * * * I could have arranged a treaty by which Spain would have peacefully retired from the island of Cuba. * * * Spain was in dire need of money at that time, and I believe that for less than a hundred of millions of dollars to be paid by this Government she would have called her soldiers home and given to the Cubans such a system of autonomy as would have rendered them practically independent."

Other distinguished statesmen of our own party have spoken to the same general effect; one of them said the war was not only unnecessary, but it was the work of yellow journals and demagogues and self-seeking politicians. If I have spoken to any purpose, it is scarcely necessary for me to say that the action of Congress was not premature or inappropriate, but fully warranted and the war was not cruel and unjust, but inevitable and as righteous on the part of the United States as high and responsible duty could make it. Neither was it the work of yellow journals or demagogues or self-seeking politicians, but the result of patriotic, sincere, God-fearing and liberty-loving American men and women, who, although dreading war and its desolations, were yet not ready to turn a deaf ear to the cries of humanity, and submit to insults and affronts that no nation could pass by in silence, without, as a consequence, forfeiting its title to the respect of other nations. I had no patience then with the proposition that Spain should receive compensation for her abdication of a country she had mis-

governed for centuries and had despoiled and desolated. I had no patience with the idea that the Maine could be left for its just settlement to the Spanish sense of justice and honor. I had no faith in the idea that autonomy for Cuba with a continuance of Spanish sovereignty would be acceptable to the people of the island or result in pacification or good government. I had no patience with neutral intervention—treating Cubans and Spaniards alike. I believed that the people of Cuba had sacrificed of their blood and treasure and life for independence to such an extent that they were entitled to it, and I believed that it was our duty toward them in that behalf to come to their rescue, and I further believed that Spain not only deserved to be driven out of Cuba, on the ground that she had by her wickedness in government forfeited her right of sovereignty there, but I believed also that her offenses against our Government were of such character that she merited punishment and that we owed it to ourselves to inflict it upon her. I said all this then and I repeat it all now. It was in this way that the war came about. I need not stop to speak in detail of what followed. There has been much said recently about incompetency and mismanagement on account of which our troops have severely suffered. No doubt there have been some mistakes. It would be remarkable if there had not been, but a full investigation will vindicate the zeal and patriotism, the courage and the integrity of all who have been assailed. All have only tears for the dead and those who have been stricken with disease and overtaken with affliction.

These are the inseparable features of all wars, and notwithstanding all that may have occurred of this character, the fact remains that the record of the three months during which the war continued is the most brilliant chapter in American history. It has scarcely an

equal in the annals of the world. At Manila, at Santiago, both on the land and on the water, our sailors and our soldiers won imperishable renown, both for themselves and their country. Almost before we realized that we actually had war, Spain was suing for peace. Two of her navies had been completely destroyed, and one of her largest armies had been defeated and compelled to surrender and submit to repatriation. The names of Dewey and Sampson and Schley and Hobson have been written high on the scroll of fame with those of John Paul Jones, Decatur, Farragut and Cushing. Our regular army vindicated itself most grandly. It was small in numbers, but every man was a hero. Officers and men bore themselves with intrepid gallantry, and on every field where opportunity was afforded they added luster to the American name. Our volunteers vied with the regulars in the splendid courage displayed. The farmer boy, the laboring man and the millionaire marched side by side, fought side by side, and died side by side. There was among them no caste or distinction; their only rivalry was in the discharge of duty and in loyalty and devotion to the flag.

From the beginning until the end of the struggle our successes were uninterrupted. When Dewey destroyed the Spanish fleet at Manila everybody said that it was a brilliant stroke, but many urged that it was accidental and could not happen again; but when Schley and Sampson destroyed the fleet of Cervera at Santiago the whole world saw that we had not only ships and guns but also men behind the guns, and that our successes were merited. Good work was expected of our regular troops, but when it was seen that we could in a few weeks put 250,000 volunteers in the field and arm and discipline them, and have them fight with such splendid courage and such distinguished heroism as characterized the Rough Riders, the

whole world saw that we were not merely a lot of shop keepers, as we had been contemptuously called, but a splendid nation with a great population and great resources and a great aptitude for war. In consequence, we came out of the struggle greater, stronger and more respected than we have ever been in our history. This prestige will not only insure us the respect of the world, but it will be of inestimable advantage to us in our trade relations with other countries. Everybody now knows that, while we are slow to anger and plenteous in mercy, yet if pressed too far we can be and will be terrible in war. Not only has there been this general advancement of our national name and power and prestige, but there has been wrought at home among ourselves as a result of the war an almost incalculable benefit. Sectional lines and sectional feelings have been largely, if not altogether, effaced. Lee and Wheeler and Shafter and Lawton and their comrades, the sons of the South and the sons of the North, stood shoulder to shoulder and contributed equally and alike to the glorious results on land, while Hobson and Dewey and Schley and Sampson have in the same manner represented the two great sections with like results on the water. If there had been no other consequence than the enhancement of national prestige and this effacement of sectional divisions we would have been amply compensated. But they were not the purpose of the war. They were only its incidentals. It was not for them we fought. It was our aim to put a stop to the inhumanity that caused the war, and that we have done. There will be no more Spanish tyranny in Cuba. There will be no more Weylerism, no more starvation, no more of the heartless grinding of the tax gatherers in that beautiful island. There will be no further denials of human and personal liberty. Cuba is free, and in due time her government will be recognized, and she will in

due time have her independence and ultimately seek and secure annexation to the United States, as Hawaii has done. But in this war we have builded wiser than we knew. Our fathers of the Revolution did not take up arms for independence, but only in resistance of tyranny. Events broadened their purpose and independence was the result. Abraham Lincoln called for 75,000 troops to save the Union, but events broadened his purpose and slavery was abolished. Our initial action had reference only to Cuba, but Spain declared for war generally and thus broadened the field of operations so as to include Porto Rico and the Philippines; and so it is that we have greater prestige, closer union, free Cuba and territorial acquisitions of incalculable importance. These are results of inestimable value, but we have learned some lessons of the war that will be of even greater value if we remember and profit by them. In the first place we have learned that it is not wise to be wholly or practically unprepared for war. It is a wise maxim still in time of peace prepare for war, at least to the extent of maintaining an army and navy commensurate with our wealth, population and interest; and in this connection we have learned that we can not depend upon great wealth or great population or zealous patriotism alone for our national defense. It is a piece of good fortune that the long peace since our civil war was first interrupted by trouble with Spain rather than with England or some other great power able to strike at once. We have learned the necessity for coast defenses, a good navy and a good army, both adequate in numbers as well as in quality. We have learned another thing, and that is that the Nicaragua Canal is essential not only to commerce, but also to our efficient defense. To reach the scene of action the Oregon was required to sail 10,000 miles farther than would have been necessary if she could have crossed the isthmus, and now,

with the Iowa as a consort, she has started on her return trip to the Pacific, and it is estimated that it will require something like three months for them to pass from our eastern to our western coast and reach their destination. These lessons are among the important results of the war. With these results have come responsibilities. These responsibilities are the problems of the future. The great questions of the hour are: What shall we do with Cuba? what shall we do with Porto Rico? and what particularly with the Philippines? So far as Cuba is concerned there should be no question whatever. The Cubans have earned their independence. We have solemnly declared not only that they are free and independent, but that they shall have a government of their own choosing. We must keep our promise, and we will. But this promise of independence to Cuba does not apply to Porto Rico and the Philippines. We took the islands by conquest of war and they are ours to do with as we see fit. I do not know what the treaty of peace now being prepared in Paris will provide, but I sincerely hope it will give to the United States, not simply an equaling station or a single island, but the whole group of the Philippine islands. I have no fear of the ability of our people to successfully govern that people, and I feel that it would be nothing short of a crime to return them to the government of Spain. The people of those islands have been in revolt and revolution for years, fighting as they have been in Cuba to overthrow tyranny and oppression. We have been instrumental in liberating them. We must not return them to bondage. Under our protection and guidance they can have intelligence and prosperity, and we can have a base of operations in the far east highly essential to the securing of our fair share of trade in China and the rest of the eastern world. We can scarcely imagine how important this is. In a few years Japan has

stepped to the front with a commerce that is rapidly increasing to the great advantage of all who trade with her.

The possibilities in this respect in China are far greater than with Japan. Russia, Germany, France, England and all the great nations are struggling with each other for their fair share of the trade to be developed when China is opened up to communication and commerce with the rest of the world. The United States must also have her fair share in that trade. The great necessity of the immediate future for us is to find an outlet in the markets of the world for our surplus products, both of the field and the shop. With the Nicaragua canal constructed and the Hawaii islands midway on the road, and the Philippines as nearby possessions, we will have superior advantages over all others. One of the questions now pressing upon us is how to provide suitable governments for these islands and to so govern and direct affairs as to acquire the commerce to which we are entitled and secure the consequent prosperity to our people. Only that party should be intrusted with it that has shown itself most capable of dealing with great affairs. Both in peace and in war the Republican party has proved equal to any emergency, and the record it has made is a guarantee that it will meet these problems of the future and solve them with the same triumphant success that has attended it in all its brilliant career.

I do not believe that any fair-minded Democrat would question the fitness of the Republican party for the discharge of this duty. But, however it might be otherwise, the work is already in the hands of President McKinley. What he wants is the support of a Republican House of Representatives. It is the duty of Ohio to lend him this help. If we do our duty and come up to the full measure of our opportunities, there is ahead of us a career of usefulness, of influence and of honor greater and grander than any language can depict.

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THE POWER OF THE GOVERNMENT OF THE UNITED
STATES TO ACQUIRE, HOLD, AND
GOVERN TERRITORY.

SPEECH

OF

HON. J. B. FORAKER,
OF OHIO,

IN THE

SENATE OF THE UNITED STATES,

Wednesday, January 11, 1899.

WASHINGTON.

1899.

SPEECH
OF
HON. J. B. FORAKER.

ACQUISITION OF TERRITORY.

The VICE-PRESIDENT. The Chair lays before the Senate the joint resolution introduced by the Senator from Missouri [Mr. VEST] December 6, 1898, on which the Senator from Ohio [Mr. FORAKER] gave notice of his desire to address the Senate this morning.

The SECRETARY. A joint resolution (S. R. 191) declaring that under the Constitution of the United States no power is given to the Federal Government to acquire territory to be held and governed permanently as colonies.

Mr. FORAKER. Mr. President, there are two resolutions pending before the Senate that have been very much discussed during the last two or three weeks. They are, stating them in the order in which they were introduced as to time, Senate joint resolution No. 191, introduced by the Senator from Missouri [Mr. VEST] on the 6th day of December, 1898, which reads as follows:

A joint resolution (S. R. 191) declaring that under the Constitution of the United States no power is given to the Federal Government to acquire territory to be held and governed permanently as colonies.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That under the Constitution of the United States no power is given to the Federal Government to acquire territory to be held and governed permanently as colonies.

The colonial system of European nations can not be established under our present Constitution, but all territory acquired by the Government, except such small amount as may be necessary for coaling stations, correction of boundaries, and similar governmental purposes, must be acquired and governed with the purpose of ultimately organizing such territory into States suitable for admission into the Union.

The other resolution is the one introduced by the Senator from Illinois [Mr. MASON], and reads as follows:

Whereas all just powers of government are derived from the consent of the governed: Therefore, be it

Resolved by the Senate of the United States, That the Government of the United States of America will not attempt to govern the people of any other country in the world without the consent of the people themselves, or subject them by force to our dominion against their will.

It will be observed that these resolutions raise distinctly different propositions. Under the first resolution there is raised simply and solely a question of constitutional power with respect to the acquisition, the holding, and the government of territory. It has nothing to do whatsoever with policy.

The question raised by the second resolution has nothing whatever to do with power, but raises a question simply of policy.

I desire to speak briefly this morning as to both these questions and in the order in which I have thus called attention to them. I say speak briefly, because in the debate which we have already had these questions have been quite exhaustively discussed on both sides, both upon reason and authority by those who have preceded

me. For that reason I shall omit to say many things which I should say under other circumstances in regard particularly at least to the first of these questions.

Speaking now as to the question of power, we were told by the Senator from Massachusetts [Mr. HOAR] who spoke here a day or two ago that the question of power so raised by the resolution of the Senator from Missouri is the most important question that has ever been debated in this Chamber since the beginning of our Government. I do not agree with that statement. However important this question may be, I do not regard it as anything like so important as were the great constitutional questions which were debated in this Chamber by Mr. Webster. I do not regard this question as anything like so important as were a number of questions which were debated here during the reconstruction period.

I will go further, Mr. President, and say, in answer to that statement of the Senator from Massachusetts, that the precise question raised by this resolution as to power has absolutely no importance whatsoever in a practical sense, and so far as a practical view of it is concerned we have not been debating a real but only a moot question. I say it has no practical importance, because the concessions of power to the General Government made by the very terms of this resolution are greater than anybody from the President down to the humblest of his followers has been proposing or is proposing to exercise.

The resolution has been quite frequently read to the Senate, but no one has as yet stopped to analyze it. I desire to do so. I desire before doing so to call attention to the fact, as here conceded no doubt by all, that this resolution expresses the extremest view entertained to-day by anybody in this country of a denial of a complete and unqualified sovereign power in the General Government with respect to the acquisition and government of territory. When I read, therefore, and state by reading and analyzing the power that the Government is conceded by this resolution to have, you will see what wonderful progress on this subject has been made since the acquisition of the Louisiana purchase in 1803.

At that time there were no precedents. The power to acquire territory had never been exercised by the Government. There were no judicial opinions to be cited as authority with respect to the constitutional power of the Government. Good men and wise men and patriotic men differed as to the power of the Government at that time in this regard. They differed as to whether or not the Government could acquire territory at all constitutionally; they differed as to whether or not the Government had power to govern it after the territory had been acquired, and they differed as to whether or not that territory should, after acquisition, be governed as a Territory, a province, or a dependency, or whether it could be constitutionally incorporated into the Union as a State.

Mr. Jefferson himself had more trouble in his mind upon the question of the Government's right constitutionally to incorporate into the Union as a State the territory acquired than he had upon the point of the Government's power to acquire territory. Such were the views entertained then, or rather such was the contrariety of views entertained then upon this proposition.

Now, what does this resolution recite? It is what is called in law a negative pregnant. Let me read it again:

That under the Constitution of the United States no power is given to the Federal Government to acquire territory to be held and governed permanently as colonies.

In other words, Mr. President, this resolution concedes that there is no longer any such questions as those which were debated and to which I have referred at the time of the acquisition of the Louisiana purchase. It is now conceded by the very terms of this resolution that the Government has power to acquire territory, and upon the exercise of that power of acquisition no limitation whatever is placed by the language of this resolution. It may be acquired by purchase, by treaty, by cession, by discovery, or by conquest—in any of the ways that any other sovereign power of the earth can acquire territory.

That is not all that this resolution concedes. It not only concedes that in any of the recognized ways for the acquisition of territory we may acquire territory, but it recognizes that we may acquire territory for the purpose of holding it and governing it as a colony, the only limitation placed upon the exercise of our power in that regard being that we shall not hold it permanently. You may acquire it, you may hold it, you may govern it, you may govern it as a colony, you may govern it for all time to come, save and except only the last note of time. Until any point in the future, short only this side of eternity, you could hold it as a colony and govern it as a colony according to this resolution.

Now, that being the concession of this resolution, I say, Mr. President, that there is more power conceded to the General Government to acquire and hold and govern territory as a colony than anyone from the President down to his humblest supporter in his present policy in this matter has sought or desired to exercise; and inasmuch as it concedes more power than anyone is seeking to exercise, I say it is a question of no practical importance whatever.

But, Mr. President, in a theoretical sense this resolution raises a question that is of importance. The question raised by this resolution, although one only of theory, in view of present circumstances and conditions, is nevertheless one which involves a declaration by this body, if we should pass this resolution, that our Government, one of the sovereign and independent powers of the earth, holds its place in the family of nations inferior to the other sovereign and independent governments of the earth.

It is an elementary principle of international law, that you will find stated by every writer upon international law, that each and every independent sovereign nation is equal to each and every other independent and sovereign nation of the earth—equal in power, equal in duty, equal in right, equal in obligation. To adopt this resolution is for us to declare that our fathers, who framed our organic law, either unwittingly or intentionally brought forth a nation and gave it a place in the family of nations unequal, inferior in rank to the other sovereign and independent nations of the earth; and that, Mr. President, I am not willing to concede.

Ah, but, say those who argue on the opposite side, our Constitution is an instrument of grant, and the Federal Government has only such powers as are by that instrument delegated to it, and all other powers are by the terms of the instrument reserved to the States and to the people of the States. That is true, Mr. President. I take no issue with that proposition. I look, then, to see whether or not, in this instrument of grant, there is any conferring of power upon the General Government with respect to the acquisition and government of acquired territory, and to see

whether or not, if there be such grant of power, there be also found any restriction or limitation upon its exercise.

I have no difficulty whatever in finding such grant, for I need not advert here to the fact, elementary, that it is an instrument that grants not only by expression, but also by implication. We find in this instrument a grant of power to the United States Government to make war, a grant of power to make treaties, each and both carrying along with it and with them the power also to acquire territory, and, as a result of that, the power to govern territory.

These powers to make war and to make treaties, Mr. President, have no restriction or limitation whatsoever placed upon their exercise in the Constitution. They are absolute and unqualified. Our Government has the same right, therefore, to make war that any other independent sovereign power would have. It would have that right, Mr. President, if the Constitution were silent upon the subject, for it is an inherent right, incident to every independent sovereignty, to preserve its own life. But it is here written in our organic law, and written without any restriction. This Government, therefore, has the same unqualified right and power and authority to make war, and to do everything else in the exercise of that power, that any other sovereign government has or can have. England can not make war with any more unqualified power than can the United States.

So, too, when we come to the matter of making treaties. The power granted to our Government by the Constitution of the United States is an unqualified, unrestricted power, and whatever may be the subject of treaty, or whatever may be required by the fortunes of war when conducted according to the laws of nations, we have a right to do. That was early established by authority. If any authority be needed, let me cite what Chief Justice Marshall said in the case of the American Insurance Company vs. Canter, reported in 1 Peters, at page 511. The first paragraph of the syllabus reads as follows:

The Constitution of the United States confers absolutely on the Government of the Union the power of making war and of making treaties. Consequently the Government possesses the power of acquiring territory either by conquest or by treaty.

The learned jurist states that proposition without any qualification as to consent, as to whether or not the people occupying the territory, and who are thus brought under our jurisdiction and laws, shall be consulted by us and shall signify their willingness to be governed by us before we can take jurisdiction.

The power to make war and the power to make treaties are two powers conferred absolutely without qualification, each power carrying with it the power, as Chief Justice Marshall says, to acquire territory. Then what does he say as to the right to govern territory after it has been acquired?

Mr. GRAY. I should like the Senator to read further from that case the sentence of Chief Justice Marshall in reference to the right to govern territory after it has been acquired, whether by treaty or otherwise.

Mr. FORAKER. I was just turning to it on page 512. After having discussed and announced the proposition as the law of the land, that under both these powers we have the power to acquire territory, and having a case before him which involved the discussion of that subject, he then takes up the question of the right and authority and power of the government that has acquired to govern the territory that has been acquired. I might read with

interest a great deal that is said here, but I do not wish to unnecessarily trespass upon the time of the Senate. I therefore content myself with saying that at page 512 Chief Justice Marshall, after speaking of the constitutional power expressly conferred on the Congress to govern, says:

The right to govern may be the inevitable consequence of the right to acquire territory. Whichever may be the source whence the power is derived, the possession of it is unquestioned.

Mr. BACON. Will the Senator permit me to ask what particular territory was under consideration in the deliverance of that opinion?

Mr. FORAKER. Florida. If there is any importance to be attached to that, I wish the Senator would state it. I do not know that the case differs from any other because it was the territory of Florida.

Mr. BACON. As the Senator invites me—

Mr. FORAKER. It was formerly the territory of Spain.

Mr. BACON. As the Senator invites me—I would not otherwise trespass upon him—I will state that I think the distinction is very clear between the acquisition of contiguous territory, where there is every prospect that we can make its inhabitants a part of our homogeneous population, and the case of far-distant countries, which can never be peopled by a people homogeneous with our own.

Mr. FORAKER. Mr. President, I am glad I invited the Senator from Georgia to express why he thought there was a clear distinction between the law applicable—for that is what we are talking about—to the acquisition of Florida and other territory.

Mr. BACON. If the Senator will pardon me, I simply meant, in calling attention to it, to remind the Senator of the well-known rule that in weighing the language of the court the circumstances of the particular case and the particular issue then before the court must always be considered.

Mr. FORAKER. Certainly, that is true; but, Mr. President, I revert to the fact that the Chief Justice here, in announcing the opinion not only for himself but for the whole court, has laid it down as a proposition, without any qualification whatever, that the Government has the constitutional power to acquire territory under either the treaty-making or the war-making power, and speaks of that as an absolute power, not dependent on whether territory is contiguous to us or remote in far distant seas, not stopping to consider or distinguish between territory lying in the Tropics or territory that may be located in the temperate zones or elsewhere.

Mr. GRAY. That is a question of power and the other is a question of policy.

Mr. FORAKER. One is a question of power and the other is a question of policy. I can understand how, when the question of power has been rightfully settled in favor of the Government, we might have a difference of opinion in a given case as to whether or not the policy of annexing a particular territory was a wise policy. What I am contending for just now is the power of the Government, without any qualification whatever, to annex, either by treaty or by war, any territory, anywhere on the face of the globe that any other independent sovereignty could annex by war or by treaty. In other words, Mr. President, I am trying to assert that our fathers did not make a constitutional government inferior in rank and power in this respect to any other independent sovereignty of the earth.

The case of *The Insurance Company vs. Canter* was one of the earliest authorities. There were some cases before, and there have been a great many since, to the same effect. I shall content myself, however, with calling attention to only one other, and that is the case of *The Mormon Church vs. The United States*, found in 136 United States Reports, beginning at page 1. I read from the opinion of Mr. Justice Bradley, at page 42, stopping first to say only this: That in this opinion Mr. Justice Bradley reviews, with his accustomed ability, clearness, and force, all the authorities on the question preceding the announcement of his opinion. Now, speaking of both the power to acquire territory and of the authority and power of Congress to govern that territory when it has been acquired, he says:

The power of Congress over the Territories of the United States is general and plenary, arising from and incidental to the right to acquire the territory itself and from the power given by the Constitution to make all needful rules and regulations respecting the territory or other property belonging to the United States. It would be absurd to hold that the United States has power to acquire territory and no power to govern it when acquired. The power to acquire territory other than the territory northwest of the Ohio River (which belonged to the United States at the adoption of the Constitution) is derived from the treaty-making power and the power to declare and carry on war. The incidents of these powers are those of national sovereignty and belong to all independent governments.

I might read much more with equal interest and equally to the point, but I have read enough, Mr. President, to show that by one of the latest decisions, and with one of the ablest justices who has ever sat upon that bench speaking for the court, it has been held, just as it was held by Mr. Justice Marshall in the case of *Canter*, that this Government has the power, under both the war-making power and the treaty-making power, to acquire territory, and that when the territory has been acquired, the Government has a right to govern it, first, as a result of the right to acquire, for it would be absurd, says Mr. Justice Bradley, to hold that the Government may acquire territory and then have no authority or power to govern it; and in the second place, the Congress has authority to govern the territory by virtue of section 3, Article IV, of the Constitution, which provides that—

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

Mr. President, such being the authorities on the subject, what are the grounds upon which this resolution has been supported by those who have spoken? First in order we have the speech of the author of the resolution, the Senator from Missouri [Mr. VEST]. As I understand his speech—I was not present in the Chamber, very much to my regret, when he spoke, for I always delight to hear him—but as I understand his speech, after a very careful reading of it, he has three main propositions he insists upon in support of his resolution.

In the first place, he tells us that there is a historical argument in favor of what he declares for by his proposition; a historical argument against this Government holding colonies and governing them as such. Then he tells us that our fathers rebelled against England, and that the war waged by them was for the purpose of destroying the colonial system, and that the circumstances were such that it can not be reasonably assumed or believed that they could have contemplated, after having themselves broken away from the colonial system, a continuation of it, and that they could not have created a government and invested it with power to continue colonial governments.

Mr. President, it seems to me that when we recall the facts attending the inception of the war of the Revolution, the nature of it in its beginning, and how it was subsequently changed to a different purpose, we have one of the strongest possible arguments to the effect that there was at least no prejudice in the minds of the fathers against the colonial system of government. Take the Declaration of Independence, which has so frequently been alluded to in these debates in the last two or three days, and read the recitation of grievances there set forth by the framers of that document.

You will not find there any complaint against the colonial system of government. You find there only a recitation of wrongs and grievances and outrages and tyrannies, as they are characterized, which the people of the colonies had suffered at the hands of the British ministry, and their sole purpose, as they claimed over and over again, both before the war and for nearly a year after the war commenced, was, not to secure independence, but simply to redress the wrongs and grievances to which they had been subjected by the mother country. There was no complaint about the colonial system proper.

But, Mr. President, saying nothing more in answer to that suggestion than that we have, as it seems to me, in the facts a negative of the proposition as I understand it was made by the Senator from Missouri in that respect, I call attention to another matter which it seems to me is sufficient of itself to conclusively show that the fathers who framed our Government not only were not seeking to establish a government that could not continue the colonial system of government, but that they had in view as one of the express purposes of that government the acquisition of colonies and the government of them at will as colonies.

In a letter written by Gouverneur Morris, which has already been adverted to by the Senator from Connecticut [Mr. PLATT] in his very able speech delivered a few days ago, to Henry W. Livingston, dated November 25, 1803, and written in answer to an inquiry as to the power of the Government under the Constitution to acquire territory and the power of the Congress after acquisition to govern it, he wrote what I shall presently read. I should say that he was the author of that clause in section 3 of Article IV of the Constitution which confers upon Congress the power to prescribe rules and regulations for the government of the Territories, and being the author of it, certainly he ought to know what was intended by it when offered by him and adopted by the Convention.

He says:

I am very certain that I had it not in contemplation to insert a decree de *coercendo imperio* in the Constitution of America. Without examining whether a limitation of territory be or be not essential to the preservation of republican government, I am certain that the country between the Mississippi and the Atlantic exceeds by far the limits which prudence would assign, if in effect any limitation be required. Another reason of equal weight must have prevented me from thinking of such a clause. I knew as well then as I do now that all North America must at length be annexed to us. Happy, indeed, if the lust of dominion stop there.

A few days later, on the 4th of December, 1803, he wrote to Mr. Livingston again, as follows:

DEAR SIR: A circumstance which turned up in conversation yesterday has led me again to read over your letter of the 3d of November and my answer of the 28th. I perceive now that I mistook the drift of your inquiry, which is substantially whether Congress can admit as a new State territory which did not belong to the United States when the Constitution was made.

That is the identical question about which Mr. Jefferson had his chief trouble, whether or not after he had acquired territory

he could admit that territory at any time in the future into statehood. Mr. Morris says:

Now I observe that is the point of your inquiry.

How does he answer it?

In my opinion, they can not.

Here is one of the framers of the Constitution of the United States saying that the unquestioned power to acquire territory could not be exercised with a view to incorporating that territory when acquired into the Union as States at all. What further does he say? He speaks next of this clause of section 3, Article IV. of the Constitution investing Congress with the power to govern territory when acquired, and says:

I always thought that when we should acquire Canada and Louisiana it would be proper to govern them as provinces and allow them no voice in our councils.

Mr. FRYE. He differs with the Senator from Massachusetts [Mr. Hoar].

Mr. FORAKER. There is a marked difference between the framer of the Constitution and the interpreter of it.

Mr. BUTLER. Will the Senator from Ohio pardon me for a moment?

Mr. FORAKER. Certainly.

Mr. BUTLER. Does not Gouverneur Morris in the same letter state that while that was his view and desire, yet the language of the Constitution did not go that far? Did he not admit that he did not dare to put that sentiment in express words for fear the constitutional convention would vote it down?

Mr. FORAKER. It is hardly that strong. He does say that he thought there would be opposition to it. He does not say he believed it would have been voted down, as I remember it. I will read all of his letter with pleasure. I stopped only that I might save time. He says:

In wording the third section of the fourth article I went as far as circumstances would permit to establish the exclusion.

To exclude territory from statehood.

Candor obliges me to add my belief had it been more pointedly expressed a strong opposition would have been made.

That is all.

Mr. BUTLER. Gouverneur Morris was on the committee on style to dress up the phraseology of the Constitution, and here and there made interpolations, after the convention had done its work, section by section and sentence by sentence. This was one of his pieces of style, and he admits himself that he veiled his language and that his purpose was not clear to those who accepted it.

Mr. FORAKER. I was not aware that he ever made any such admission. I am aware that he is accredited with being the author of the third section of the fourth article, and nobody else has ever been credited with it.

Mr. PLATT of Connecticut. May I interrupt the Senator from Ohio?

Mr. FORAKER. Certainly.

Mr. PLATT of Connecticut. I wish to throw a little additional light on the views of the men who were contemporaneous with the Constitution. Benjamin Franklin has always been understood to know something about the Declaration of Independence, inasmuch as he was one of the committee of five appointed by the

Constitutional Convention to draft the same. Benjamin Franklin, two years afterwards, was sent by the Continental Congress to France to make the treaty of alliance with France, the first treaty we made with France. In the fifth article of that treaty, negotiated and signed by Benjamin Franklin, is to be found the following:

If the United States should think fit to attempt the reduction of the British power remaining in the northern parts of America or the islands of Bermudas, those countries or islands, in case of success, shall be confederated with or dependent upon the said United States.

Benjamin Franklin negotiated the treaty with that provision in it.

Mr. FORAKER. He does not say anything about consent either.

Mr. PLATT of Connecticut. No.

Mr. BACON. The Senator to that extent considers that Benjamin Franklin did not conform in all particulars to the declarations in the Declaration of Independence.

Mr. FORAKER. That he was not the equal, in knowledge of the Constitution and knowledge of our institutions, of Senators who are here interpreting those documents.

What I wanted to say, before I left the letters of Gouverneur Morris, in answer to what was suggested by the Senator from North Carolina, is that, however the fact may be as to Gouverneur Morris being the chairman of the committee on revision and taking liberties with the Constitution by inserting language that improved the phrases, yet the fact remains that he was a member of the Constitutional Convention. He was there and helped to make the Constitution, and I would rather take his interpretation of the instrument they framed on a controverted point of this kind than to take the interpretation not supported by authority, but only by such reason as can be advanced, of anyone who stands here to interpret that document now.

Mr. BUTLER. Will the Senator from Ohio pardon me? Gouverneur Morris's letter is really a confession that the convention did not understand his language as he meant it.

Mr. FORAKER. So be it. There is his language. He seems to have got in his work anyhow. [Laughter.]

Mr. ALLEN. I should like to ask the Senator from Ohio a question.

Mr. FORAKER. If the Senator from Nebraska will pardon me for just a moment, I will yield. The language employed by Gouverneur Morris has been held sufficient by Chief Justice Marshall and by the Supreme Court, without exception, every time that question has been before that tribunal, to confer upon the Government the power intended by Gouverneur Morris to be conferred, namely, the power to govern territory that might be acquired.

Mr. ALLEN. The Senator from Ohio a moment ago was discussing quite an important question, in my judgment, which he did not discuss fully. The Senator said—and in that I agree with him—that we could acquire territory through the war power or as an incident of the war-making power. Does the Senator hold that by virtue of our reducing the Philippine Archipelago to our jurisdiction it is ipso facto attached to the United States?

Mr. FORAKER. If the Senator will pardon me, I will get to the Philippines after a while. This is a great war and comprehends the whole world and all the principalities thereof. I will, in order, get to the point the Senator suggests.

Mr. ALLEN. I understood the Senator to say, in discussing Mr. Justice Bradley's opinion, that we did acquire territory, and that it did become annexed ipso facto by reason of its capture and reduction under the war power. In other words, does it require anything more than a mere capture of territory to annex it to the United States?

Mr. FORAKER. I suppose it would depend somewhat upon the provisions of the treaty of peace that might be concluded. If in the provisions of the treaty of peace it should be provided that certain designated territory which had been taken by conquest should be ceded, or if it should be provided that certain designated territory that had not been conquered should be ceded as indemnity, for instance, the title of this Government would be complete if we took it.

Mr. ALLEN. Then it requires more than a mere reduction in the case of war to annex territory. Another question, with the Senator's permission. If we reduce territory to our jurisdiction and annex it, do not the provisions of the Constitution immediately extend over that territory?

Mr. FORAKER. Well, I do not think so, except in a qualified sense.

Mr. ALLEN. And are not the people, under the fourteenth and fifteenth amendments to the Constitution, entitled to citizenship by virtue of our obtaining the territory?

Mr. FORAKER. I do not think the Constitution extends in the sense in which the Senator suggests.

Mr. ALLEN. I beg to say that the Supreme Court has held that it does.

Mr. GRAY. Will the Senator from Ohio allow me to answer the question of the Senator from Nebraska out of the mouth of Chief Justice Marshall?

Mr. FORAKER. Yes.

Mr. GRAY. In the case referred to by the distinguished Senator from Ohio, *Canter vs. Insurance Company*, Chief Justice Marshall says, after the statement already recited by the Senator:

The usage of the world is, if a nation be not entirely subdued, to consider the holding of conquered territory as a mere military occupation until its fate shall be determined at a treaty of peace.

Mr. TELLER. With the permission of the Senator from Ohio, I should like to read what Daniel Webster said in the argument of the case on this question:

What is Florida? It is no part of the United States. How can it be? How is it represented? Do the laws of the United States reach Florida? Not unless by particular provisions.

The territory and all within it are governed by the acquiring power, except where there are reservations by treaty.

By the law of England, when possession is taken of territories, the King, *jure coronæ*, has the power of legislation until Parliament shall interfere. Congress have the *jus coronæ* in this case, and Florida was to be governed by Congress as she thought proper.

What has Congress done? She might have done anything—she might have refused the trial by jury, and refused a legislature. She has given a legislature, to be exercised at her will, and a government of a mixed nature, in which she has endeavored to distinguish between State and United States jurisdiction, anticipating the future erection of the Territory into a State.

Mr. ALLEN. Will the Senator from Ohio permit me right here, and I will not interrupt him any more? Does the Senator from Colorado hold that the provisions of the Constitution do not extend to Arizona and New Mexico?

Mr. TELLER. They do not extend to Arizona unless we extend them by law. No public man in this country, save Mr. Calhoun, ever insisted that the Constitution of the country went by its own force into a Territory.

Mr. ALLEN. Do not the provisions of the Constitution extend now to the Hawaiian Islands?

Mr. TELLER. They extend there if it is provided by law that they shall; not otherwise.

Mr. ALLEN. What does the Senator say about the fifteenth amendment?

Mr. TELLER. I say the Constitution has no power to extend itself into the new territories unless Congress shall so declare. That is the doctrine which the Supreme Court have repeatedly enunciated.

Mr. ALLEN. Then—

Mr. TELLER. I will not discuss the question while the Senator from Ohio is making a speech.

Mr. ALLEN. One moment. I shall not prolong the discussion. I submit that Congress has never declared the Constitution to extend to any State or Territory outside of the original thirteen States, and if the Senator's position is true the Constitution extends only to the thirteen States.

Mr. TELLER. The Supreme Court has said that when a State is admitted the Constitution takes effect without declaration.

Mr. ALLEN. The Supreme Court has held that it extended over the Territories.

Mr. TELLER. Never.

Mr. FORAKER. I do not wish to be diverted from the argument in the midst of which I was, but I will pause just a moment to say, in answer to the Senator from Nebraska, in order that I may answer him as well as the Senator from Colorado, that we by act of Congress in every instance where territory is acquired declare that the Constitution shall be extended, and then by act of Congress we provide legislation that will set the principles of the Constitution in motion in that territory. In other words, the Constitution does not proprio vigore extend into and operate in the territory; but when the legislative machinery has been supplied it then does operate there, and not until then. And in the Hawaiian bill now pending before the Senate, as suggested by the Senator from Massachusetts [Mr. LODGE], that identical clause is to be found.

Now, of course, when we sit here to legislate for the Territories that belong to the United States, we are governed and restricted and limited by the provisions of the Constitution, and we could not faithfully keep our oaths and provide laws that would deny any of the constitutional immunities and privileges to citizens in the Territories that are guaranteed by the bill of rights.

Mr. TILLMAN. Will the Senator from Ohio allow me to ask him a question?

Mr. FORAKER. I wish to put in one other authority, if the Senator will excuse me for a moment. It is handed to me by the Senator from Connecticut [Mr. PLATT]. It is found in the eighty-sixth volume of the Federal Reporter, page 456, and is the case of *Endelman et al. vs. The United States*. I read from the second paragraph of the syllabus, Ninth circuit court of appeals:

Congress has full legislative power over the Territories, unrestricted by the limitations of the Constitution.

I have not examined the case. I do not know what the court says in the opinion, but it seems to be quite applicable to the point now under consideration.

I wish to pass now to a further answer to the argument made by the Senator from Missouri, but I pause for the question of the Senator from South Carolina.

Mr. TILLMAN. The question I wish to ask the Senator was suggested by his argument, and it is this: Has Congress the right to force legislation on a State which does not apply to a Territory?

Mr. FORAKER. To force legislation on a State?

Mr. TILLMAN. Yes; on the States as a whole, that does not apply to a Territory immediately?

Mr. FORAKER. If it should be an interstate-commerce law, or something of a similar nature, I should think Congress would have the power. But of course the government of the Territories is remitted expressly to the Congress. It provides the domestic legislation of the Territories. It takes the place, in relation to a Territory, that the State legislature holds in relation to a State.

Mr. TILLMAN. What about the question of suffrage? There are no citizens of the United States with the right to vote, as we understand it, according to the Supreme Court decision.

Mr. FORAKER. That is very true. Do you want the Filipinos to vote?

Mr. TILLMAN. Yet we are not agreed, at least, as to the condition of suffrage in the various States. I should like the Senator not to forget that proposition before he gets through.

Mr. FORAKER. That proposition is not germane to what I am talking about, but I have no hesitation in saying, in answer to the Senator, that the States, and the States alone, confer the right to vote, subject to the constitutional limitations, of course. The State legislatures have no power beyond the State jurisdiction. There is no Territorial legislature unless Congress should create one. Congress deals with the Territories as the Congress may see fit. It may provide that the Territories shall have a legislature or it may directly legislate for the Territories from Washington. Whatever the Congress may see fit to do in that behalf or whatever the Territorial legislature may do under the power delegated to it would be controlling in the matter of suffrage.

Mr. TILLMAN. Would a Territory, then, have the right to be admitted as a State if there were discriminations on account of race or previous condition?

Mr. FORAKER. That is a question we will discuss when it comes up. I wish some of the States which do discriminate were outside applying to get in, that we might have a trial of that question. [Laughter.]

Mr. TILLMAN. The Senator's wish as to the situation does not change the legal argument, though. He is dodging, if he will excuse me—I do not think he ever willingly dodges—the legal proposition which I asked him to elucidate, and that is the power of Congress to legislate for a State differently from a Territory, and vice versa.

Mr. FORAKER. Unless Congress sees fit so to provide, nobody can vote in a Territory. The whole subject with respect to a Territory is in the hands of Congress to legislate about as Congress may see fit, having reference to local conditions, and, of course, being governed by the limitations of the Constitution in regard to those principles pertaining to personal liberty and per-

sonal rights that are spoken of in the Bill of Rights. When it comes to the admission of a Territory as a State into the Union, Congress has to vote whether or not the State shall be admitted; and when the State comes with a constitution that is consonant with the Constitution of the United States and the laws of the United States, and the other conditions are favorable, Congress may say to the State, "Come in," or Congress may say to the State, "Stay out." In other words, when it becomes a State, it is for the State to say, as it has been held, whether or not this, that, or the other individual shall vote, subject always, of course, to the restrictions found in the constitutional amendments.

Mr. TILLMAN. If the Senator will pardon me, I do not like to interrupt him, but I simply wish to emphasize the difference which he seeks to prove here exists between the States and the Territories, which we deny exists. We assert that you can not discriminate between a State and a Territory in legislation or in constitutional conditions; and when we incorporate any additional territory, by treaty or by conquest or otherwise, the Constitution must control those people the same as it does those living in the States and the Territories now in the Union.

Mr. FORAKER. I do not think the Senator will insist, when he reads the RECORD and sees what his inquiries have been and what my answers have been, that I have evaded any question he has asked me. I have undertaken to answer according to the understanding I got of the questions he put. Different States legislate differently. South Carolina has one law of elections and Ohio has another. They may be very similar or very dissimilar, and as it is competent for the different State legislatures to enact different State laws governing elections, so, too, is it competent for Congress, in the exercise of its power over the Territories, to say one thing as to an election in one Territory and a different thing as to an election in another Territory, subject always, as I say, to the limitations and restrictions imposed by the Constitution as to personal rights.

Now, Mr. President, if I may proceed, I wish to call attention, in the next place, to the fact that the Senator from Missouri has predicated his second argument upon the Dred Scott decision.

Mr. BACON. If the Senator will permit me, as he is passing from this particular point, I ask his permission to interrupt him for a moment in order that I may set myself right. The Senator, at the suggestion of the Senator from Connecticut, invoked the treaty between the United States and France as giving expression to the opinion of Franklin on the clause of the Constitution—

Mr. PLATT of Connecticut. I read it.

Mr. BACON. I am speaking of what the Senator from Ohio did.

Mr. FORAKER. I did not read it.

Mr. BACON. The Senator from Ohio used it as a contemporaneous construction by one who was a participant in the framing of the Constitution; what was understood then.

Mr. FORAKER. The Senator from Georgia misunderstood the Senator from Ohio. The Senator from Ohio was talking about Gouverneur Morris and not about Benjamin Franklin.

Mr. BACON. I beg the Senator's pardon. The interruption which I took the liberty to make was with reference to the particular thing upon which the Senator was then commenting—the utterance of Benjamin Franklin as expressed in the treaty which he negotiated and which he signed.

Mr. FORAKER. The Senator from Ohio has not commented upon any utterance of Benjamin Franklin.

Mr. BACON. However that may be, I wish to state in this connection that the treaty was made in 1778, nine years before the Constitution of the United States was framed.

Mr. PLATT of Connecticut. I stated that it was made within two years after the Declaration of Independence, and I read it for the purpose of showing that one of the authors of the Declaration negotiated it. I suppose he knew something as to what the Declaration of Independence meant. If he had lived to this day, he would have found that in the minds of some Senators he did not know what the Declaration of Independence meant, and was violating it. [Laughter.]

Mr. FORAKER. I will be obliged, much as I enjoy interruptions, if Senators will allow me to proceed, for I do not wish to take the time of the Senate unduly, and yet I should like to conclude what I have had in mind to say.

I was just proceeding to consider the second argument advanced by the Senator from Missouri in support of his resolution. It is based upon the Dred Scott decision. One paragraph of the syllabus in that case reads as follows, and the language is so similar to that employed by the Senator from Missouri that he must have had this language before him, and probably did, when he drew that resolution. It says:

The United States, under the present Constitution, can not acquire territory to be held as a colony, to be governed at its will and pleasure. But it may acquire territory which at the time has not a population that fits it to become a State, and may govern it as a Territory until it has a population which, in the judgment of Congress, entitles it to be admitted as a State of the Union.

The part which I say he must have followed almost literally is the declaration that the Government of the United States has no constitutional power to acquire territory to be held and governed as a colony at will. That means permanently, I suppose.

I would not stop, Mr. President, to answer the argument that is based upon this decision, and particularly upon this clause in the decision, were it not that the Senator from Missouri, after quoting from Mr. Chief Justice Taney's opinion upon this point, said:

Mr. President, I have stated that the nine justices of the Supreme Court acquiesced in that portion of the Dred Scott opinion, and I assert now, and challenge contradiction, that not one tribunal, Federal nor State, and not one public man of eminence in this country, has ever contradicted that portion of the Dred Scott decision until within the last six months, when the craze of expansion seems to have taken possession of a large portion of the American people.

Mr. President, I have not the time to take the opinions of the nine justices of the Supreme Court, for each gave an opinion in that case, and review them at length and in detail to show that the Senator from Missouri is mistaken when he says that the nine justices of the Supreme Court in that case concurred in this proposition; but I state it as confidently as his statement has been made, without fear of successful contradiction, that instead of the nine justices of the Supreme Court of the United States agreeing to that proposition, only one associate justice, Mr. Justice Wayne, agreed to it.

Look through the language employed in the respective opinions and you will find that not another justice touched upon that proposition in any way or form, and why? It was not necessary for the decision of the case. That, Mr. President, was a political

case, and the decision was a political decision. It was a fight, a battle to the finish, in the contest between slavery and freedom, and the justices found after the first argument of the case that they were so unable to agree among themselves that no one could write an opinion for the court that they would agree might be read by the court as the court's opinion, and on their own motion a reargument was ordered, and after that reargument they had the same difficulty.

No justice could prepare an opinion which a majority would accept and allow to be read as the opinion of the court; and after they became fully aware of that difficulty and situation, it was then by the justices agreed that each member of the court should write his own opinion, and the court would content itself with an agreement of a majority of the members upon the judgment that was to be rendered. Some of the justices confined themselves to the question before the court, which was whether or not a slave, being carried out of a slave State into a free State or a free Territory, became, by operation of the law prohibiting slavery upon him in this free Territory, a free man, and if so, when taken back into a slave State his quality of a slave reattached.

Some, I say, confined themselves to that proposition, but the great political object and purpose of the decision was to overthrow and destroy the Missouri compromise act of 1820, and inasmuch as Dred Scott had lived within a Territory that was being governed by Congress, where Congress had prohibited slavery, they went on to decide the question whether or not Congress had power to govern territory. They had to concede that the Government had power to acquire it, and did, in any of the ways that I have mentioned, but when it came to the question of Congressional power to govern they considered first whether or not the Congress had power under the third section of the fourth article to govern the particular territory then in question, and held that Congress had not, by holding that the territory mentioned in the Constitution as subject to be governed by Congress was territory owned by the Government at the time when the Constitution was adopted and not territory thereafter acquired.

Then, said Mr. Justice Curtis and Mr. Justice McLean, if that be true, if it be true that Congress has no constitutional power by virtue of that section or clause to legislate for the territories acquired since the Constitution was adopted, still Congress has power, as was held by Mr. Chief Justice Marshall in the *Canter* case, from which I read a moment ago, and as in many other cases it was held, to govern territory that had been subsequently acquired, because of the inherent power that attended the acquisition of territory; it being absurd, as Mr. Justice Bradley said, to concede that the Government has power to acquire territory and no power to govern it after it has been acquired.

Then Chief Justice Taney and his associates went to the extent of saying, and that is how that case reached a conclusion, that Congress did have the power to govern territory that had been acquired subsequent to the adoption of the Constitution, but that in governing that territory so acquired under this inherent constitutional power, as contradistinguished from the expressed power, Congress must so govern the territory as to give all the citizens of all the States equal rights and privileges and protection in the territory, not only for themselves, but for their property, without regard to the kind of property it might be, and therefore when

Congress had prohibited the taking of slave property into the territory they had imposed a discrimination upon the owner of slaves in the slave States that the owner of property in the free States was not subjected to. The one could take his horses, but the other could not take his slaves.

I say none of these questions were necessary, but all of them were reached in the way I have briefly undertaken to indicate, and I indicate it in order that I may say, what I said a minute ago, that this was a struggle in the courts to settle the questions of slavery or freedom with respect to the Territories.

And it was deliberately, Mr. President, agreed, upon the suggestion of Mr. Justice Wayne, that when they found themselves unable otherwise to agree they should undertake to go beyond the necessities of the case and give *obiter dicta* with a view to settling the political questions which were then disturbing the American people.

I have before me volume 1 of *Cases on Constitutional Law*, by Thayer. I find in that a review of the *Dred Scott* case, from which I desire to read a sentence or two. First, to show that the opinion read by Chief Justice Taney was not the opinion of the court, but only his own opinion, the author calls attention to the remarks made by Mr. Justice Campbell before the Bar Association of the Supreme Court on the occasion of the death of Mr. Justice Curtis in which he substantially says all that I have indicated, saying:

It was agreed at least in the term that the questions should be considered, and each justice intended deal with them as his judgment dictated.

Then the author following, in the course of his discussion—I have not stopped to read all that Mr. Justice Campbell said—uses this language, referring to the remark which I did quote:

This remark will give the true character of the opinion given by the Chief Justice. *It shows even more than that of the court.*

Now, I desire to read further in support of what I said as to the action of Mr. Justice Wayne in undertaking to secure a settlement by judicial interpretation and decision of the then pending troubles and political questions. This author says:

After this second argument, and at some time during the same term, Mr. Justice Wayne became convinced that it was practicable for the Supreme Court of the United States to quiet all agitation on the question of slavery in the Territories by affirming that Congress had no constitutional power to prohibit its introduction. With the best intentions, with entirely patriotic motives, and believing thoroughly that such was the law on this constitutional question, he regarded it as eminently expedient that it should be so determined by the court. In the short observations which he read in the court, referring to the constitutional questions involved, he said that "the peace and harmony of the country required the settlement of them by judicial decision; and it is well known from his frank avowals in conversation at the time, that he regarded it as a matter of great good fortune to his own section of the country that he had succeeded in procuring a determination, on the part of a sufficient number of his brethren, to rest upon the constitutional question which had so divided the territory of the United States.

He persuaded the Chief Justice, Judge Grier, and Justice Catron of the public expediency of this course; and being warmly convinced, as he somewhat candidly admitted, that the appellate court could hold that the circuit court had no jurisdiction of the case, because a free negro could not be a "citizen," and yet could go on and decide all questions arising upon the merits, he could conscientiously concur, as he did in every part of the opinion which the Chief Justice after the second argument left called upon to write, and which was designated the opinion of the court, although no other judge, excepting Mr. Justice Wayne, concurred in all its points, reasons, and conclusions.

I call attention to this for the purpose of showing, in the first place, that this declaration, which is found in this decision, in the

syllabus of the case, was not the decision of the court, and there was no authority whatsoever for putting it in the syllabus in that case except only the fact that language of that description concerning it had been found in the opinion of the Chief Justice; that it was not found in any other opinion in that case, and therefore, instead of nine justices having acquiesced, I say no justice except only Mr. Justice Wayne acquiesced, and I have read sufficiently as to the purpose of Mr. Justice Wayne in that regard to show that his acquiescence was because of considerations that really had no proper place in the disposition of the case by the court. Therefore what the Senator relies upon as a decision of the Supreme Court in support of this resolution is no decision. It has never been so decided by that court, and has never been decided so by any other court in this land, either high or low, so far as I have been able to ascertain.

The next proposition of the Senator from Missouri I can dispose of rather briefly. It is predicated upon section 3 of Article IV of the Constitution. That section contains two clauses. The first relates to the admission of new States, and the second relates to the government of Territories. Without stopping to go over it in detail, it is sufficient to say that the Senator reverses these clauses and reads the last as though it were first and the first as though it were the second or the last.

The PRESIDING OFFICER (Mr. TURNER in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

Mr. MORGAN. I ask that the unfinished business, by unanimous consent, be laid aside until the Senator from Ohio finishes his remarks.

The PRESIDING OFFICER. Unanimous consent is asked that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Ohio will proceed.

Mr. FORAKER. The Senator from Missouri then concludes that because of the reading of the text of the Constitution when so arranged it is clear to every intelligent layman that it was intended by the framers of the Constitution that no territory should be acquired except only with the present intention of ultimately making it a State.

Mr. President, the whole of that argument, it seems to me, falls to the ground when we reverse the order and read it, not as the Senator has read it, but as the framers of the Constitution read it. They chose the order; and when you restore the proper order, the order in which they placed these provisions, no such deduction can be rightfully made as that which the Senator from Missouri has made.

I pass now to the consideration of the arguments that have been made by some other Senators, and taking them in the order in which they were made, I want, first, briefly to speak of the argument that was made in support of this resolution by the Senator from Louisiana [Mr. CAFFERY]. I do not say I wish to speak briefly of it because I think it unworthy of more than brief notice, for it is an argument that shows the usual ability of the Senator from Louisiana.

It is an argument that well merits attention, and it ought not to go unanswered in this debate, but I speak briefly of it because a number of the propositions advanced by him are common to the

argument of the Senator from Massachusetts [Mr. HOAR], made day before yesterday, and to that of the Senator from Illinois [Mr. MASON] made yesterday; and in answering them I can answer him as to those propositions that are common to their three speeches. I therefore content myself now with an answer simply to those propositions which belong to him alone, and that I can do very briefly. He has five propositions. He says:

First. That the Government of the United States being of the people by the people, and for the people, is inhibited from acquiring territory for the purpose of incorporating it, and its people into the Union against their will or without their consent.

Second. That if a territory is acquired by the United States and its condition, character, soil, climate, and population fit it for statehood, Congress can only acquire it, under the limitation of the Constitution, with a view to its becoming a State as early as possible.

The first of these propositions, that consent shall be given when we acquire territory, as I have already said, is one of the propositions of the Senator from Massachusetts, and I will answer that when I come to answer his remarks. The second of these propositions, that territory can be acquired only with a view to ultimately making it a State, is one that I have already answered in what I have said as to the power of the Government under the war-making and the treaty-making power to acquire territory and in the citations of authority that I have made. His third proposition is as follows:

Third. That if the people of a territory proposed to be annexed are incapable of self-government, we cannot incorporate them into the Union nor hold them as dependencies to be governed despotically by Congress.

Mr. President, I utterly dissent from that proposition. Suppose the territory of Florida had been inhabited by people who were incapable of self-government, or suppose the territory commanding the mouth of the Mississippi River had been inhabited by people incapable of self-government, would that have precluded this Government from acquiring that territory in the exercise of the constitutional powers with which the Government is invested to promote the interests of the people and advance them? Could we not take possession of that territory and thus get an outlet to the sea simply because it might be inhabited by people who, in our judgment, were not capable of self-government? With all due respect to the Senator from Louisiana, I think the mere statement of the suggestion is a sufficient answer to the argument.

Fourth. That even if capable of self-government and they give their consent, but are inhabitants of a distant country beyond the sea and of a dissimilar race with different laws, religions, customs, manners, traditions, and habits, it is impolitic, unwise, and dangerous to incorporate them into the Union.

That, Mr. President, raises simply a question of policy. I will address myself to that—to the brief extent I intend to talk about it—when I come to speak in answer to the resolution introduced by the Senator from Illinois.

The fifth proposition, and the last one, is as follows:

Fifth. That whenever any territory is acquired by the United States in full sovereignty the citizens thereof become citizens of the United States, with the privilege of removal if they object to the sway of the United States, and that taxes, duties, and imposts shall be uniform throughout the United States, including all its Territories.

I do not take any issue with that proposition, Mr. President, but I do stop here to call attention to the fact that the burden, or at least one of the burdens, of the complaint of the Senator from Louisiana in support of this resolution was that by annexing the

Philippine Islands we were lifting up to the high plane of American citizenship and making equals with the Senator from Massachusetts even, in the presence of the Constitution and the laws of this country, the inhabitants of those islands, something, in his judgment, they were not deserving of, unfit for.

Later, when the Senator from Massachusetts spoke, he did not have any objection, as I understood him, on the ground that they were to be lifted up, but the burden of his complaint was that they were to be subjected to a state of vassalage and to be made subjects of this Government without their consent being given thereto.

I come now, Mr. President, to the speech of the Senator from Massachusetts [Mr. HOAR]; and before I undertake in my humble way to say in answer to it what I feel moved to say I wish to state that I listened to it with the very greatest interest, as I always listen to anything that is spoken in this Chamber or elsewhere by the Senator when it is my happy fortune to be able to listen. It was a speech of great ability, a speech such as only few men could make. But, Mr. President, when it is all reduced to practical propositions, it amounted, as I understood it, simply to this, that the Government of the United States has no constitutional power to acquire territory except only for constitutional purposes, of which purposes the Senator from Massachusetts seems to constitute himself the sole and exclusive judge.

In other words, Mr. President, it must be a constitutional purpose according to the definition given by the Senator from Massachusetts of the purposes of the Constitution. He specifies that it is constitutional under the Constitution for the Government, in the exercise of its constitutional power with respect to the acquisition of territory, to secure a coaling station, a naval station, a place for a post-office or a custom-house, and remembering our experience last summer at the last session, he thought it was constitutional to acquire Hawaii: that that was a constitutional purpose because necessary to the national defense. I did not understand the Senator to say, but I understood him to admit, that when this Government acquires territory for one of these constitutional purposes it is not necessary to secure the consent of the people who may occupy that territory and who must by the acquisition pass under our jurisdiction and be governed by us.

Mr. HOAR. I did not make any such admission.

Mr. FORAKER. The Senator says he did not make any such admission. I say I did not understand him to say anything on the subject. I rather thought he had in mind the fact that when we were debating the Hawaiian resolution there was a protest filed here in this Chamber by the Senator from Massachusetts, signed by more than 11,000 of the Kanakas, or natives of that island, protesting against the acquisition by the United States Government of the Hawaiian Islands and the extension of our jurisdiction over them.

Mr. HOAR. The Senator, I am sure, will pardon me?

Mr. FORAKER. Certainly.

Mr. HOAR. The people of Hawaii voted upon a constitution, and in that constitution they expressly authorized their legislative body to make provision for their annexation to the United States. Thereupon, in pursuance of the constitution, which had been in force for six or seven years, they proceeded to do it. Now, it is true that I presented a paper purporting to be signed (I do not

know whether the signatures were or were not in every case verified) by a pretty large number of the Kanakas, but I believed then and stated then, and I believe now, that a majority of the citizens of Hawaii desired annexation to the United States; and that, in addition to that, everything in that island which could be called the germ of a national life was on that side; and so did the Senator from Ohio believe, I am sure.

Mr. FORAKER. Surely; but I had no constitutional trouble about it. Now, all the Senator has said is quite true; but the fact remains, and that is what I am calling attention to, that he did not state in his speech—if he did it escaped me, and I allude to it now that he may correct me if I should be corrected—that when we acquire territory for a constitutional purpose the consent has anything to do with it. Suppose we acquire a coaling station that is situated upon an island in the sea. It is a constitutional purpose for which we have to acquire it. Suppose the inhabitants be of such a character that it is essential to the safety of our interests there that we acquire the whole island, though there be a thousand, or ten thousand, or one hundred thousand, as in the case of Hawaii, or a million people or more, as may be the case as to Luzon. Suppose we acquired it for a constitutional purpose, a purpose that is absolutely essential to the national welfare, for the purpose of national defense, must we stop in such a case and secure consent of the population? The Senator's statement was in regard to Hawaii. Would we stop and jeopardize the national interests, hesitating to acquire a place necessary to the national defense, because somebody there had not been consulted? And suppose we consult the population and they object, or some of them object. What then?

Mr. HOAR. If the Senator will pardon me, it was not appropriate or apt to what I had to say the other day to express an opinion on that subject, but I certainly affirm that if it were desirable, convenient, or we thought it essential for our national defense to annex outlying territory, and the people there possessing that territory objected, I should consider the claiming it, annexing it, subjecting it, under those circumstances as a great national crime to be repudiated, denounced; and I should consider that the United States had better go down beneath the waters of the Pacific in honor rather than disgrace itself by doing that thing.

Mr. FORAKER. Now, Mr. President, we understand the Senator from Massachusetts—

Mr. HOAR. Yes; you understand me now.

Mr. FORAKER. We understand from the Senator from Massachusetts what we did not learn from his speech the day before yesterday. We have learned that, according to his interpretation of the Constitution, possessions may be acquired for constitutional purposes and they may be acquired for purposes that are not constitutional in the sense in which he has defined those purposes, but that in all cases where territory is acquired, whether for constitutional purposes or not, the consent of the inhabitants of that territory must be secured before we can acquire it.

Mr. HOAR. That is not what I said. I said where there is a people there governing it.

Mr. FORAKER. I am assuming that there is a people. Nobody else would object, I suppose, but a people.

Mr. HOAR. That is a pretty essential part of the statement.

Mr. FORAKER. Yes: I was assuming that. Now, Mr. President, in other words—

Mr. HOAR. I do not mean to say if there is a continent of 10,000,000 square miles, over which there are five or six thousand savages roaming, incapable of national life, incapable of civilized life, incapable of government, not a people, not the germ of a people, never to become a people, that civilization and Christian government are estopped at the threshold. That is a different thing.

Mr. FORAKER. Yes.

Mr. HOAR. I do not suppose if Alexander Selkirk, instead of landing on his little island, as Defoe describes in his tale of Robinson Crusoe, had landed on the continental island of Australasia, and there had been nobody else there, that he or his descendants could have kept off forever and forever the footsteps of man. That is not the point. You have got to take that thing practically. But where there is, as there is in the Philippine Islands, a people possessing a country—

Mr. FORAKER. I am not talking about the Philippine Islands yet. I am talking about the abstract question, and I want to go on with it.

Mr. HOAR. So am I. When there is, as there clearly is in the case I am speaking of in the Philippine Islands now, a people, or to take the case of Canada, which has been cited here, remonstrating, I say it would be a great national crime, and our fathers said it would be a great national crime, for us to undertake to subdue and occupy that territory for any purpose of our own; and if we can not live as a nation without committing that crime we ought to die as a nation without committing it. That is my doctrine.

Mr. FORAKER. Mr. President, as I now understand the Senator from Massachusetts, he does not think the march of civilization ought to be estopped for the want of consent. I suppose the march of the French from the mouth of the Congo across the Dark Continent of Africa to meet the British in their march up the Nile to Fashoda would meet with the approbation of the Senator, without regard to consent, because in those regions are to be found not the kind of civilization which he has depicted to us as being found in the Philippine Islands, but the character of civilization that has been described as existing on those islands by the Senator from Louisiana [Mr. CAFFERY].

But, as I was saying, Mr. President, I did not intend a discussion at this stage about the Philippines. I wanted an understanding of the abstract proposition of the Senator from Massachusetts; I wanted to know, and I have now found out what I did not learn from his speech when he made it the other day—that he says consent is necessary to the constitutional acquirement and government of territory by the United States when acquired even for those constitutional purposes which he has designated as within the purview of the Constitution.

In other words, according to the Senator from Massachusetts, we can not acquire a coaling station in the Pacific unless the people who happen to be living upon and occupying the territory so to be acquired give their consent thereto. I do not assent to that doctrine. But before I proceed allow me to revert to what I wanted to say a moment ago. It is true, Mr. President, that the people who established the Government over the Hawaiian Islands had

framed a constitution in which it was provided that they might negotiate a treaty of annexation: yet it was also true, and conceded in the debate that ensued upon the question, that there was a population of perhaps 103,000 in that island, composed of Kanakas, Japanese, Chinese, Portuguese, and almost all other nationalities, and that only about 3,000 of those 103,000 had participated in the creation of the Government or its conduct, or were having anything to do with the annexation of that territory to this country; and it was insisted—I remember the Senator from Georgia [Mr. BACON] rather strenuously insisted at one stage of the debate—that there should be a plebiscite ordered before we should annex Hawaii by act of legislation or otherwise; and I understood the Senator from Massachusetts, when he presented a protest, as it was called, signed by more than 14,000 of the inhabitants of that island against annexation, to not insist upon it for the simple reason that, while ordinarily consent should be obtained, yet we were acquiring that territory for a great national purpose, the national defense, and that a nation has a right to preserve its own life, and it is not required when any acquisition of a piece of territory is essential to its national preservation and life to go to the island and consult the inhabitants of it, or to take a vote, or in any other manner whatsoever consult the wishes of that people and be governed thereby.

Mr. HOAR. I said we must take the action of the Government. That is what I said at the time.

Mr. FORAKER. I think I understand.

Mr. HOAR. I do not think you do understand. I said at the time that it was impossible in dealing with a people to deal with anything but the established Government. That Government had been established, and during the four years of President Cleveland's hostility had maintained itself by the consent of that people in peace and in freedom. In such a case there is no need of taking a plebiscite of the people.

Mr. FORAKER. However that may be, I have pursued it as far as I care to, and I want to proceed. I take issue with the Senator from Massachusetts upon the proposition that when you acquire territory for a constitutional purpose you must secure the consent of the people in acquiring that territory; and I want to follow that with this proposition, that it is not only an acquisition of territory for a governmental purpose when you acquire it for a post-office, a custom-house, a naval station, or a coaling station, but it is equally the acquisition of territory for a governmental purpose when in war you take it by conquest to despoil, weaken, and destroy your enemy; and it is equally the acquisition of territory for a governmental purpose when, at the conclusion of a war with a bankrupt nation, they have nothing with which to indemnify you except only territory, and you take it on that account. These are all constitutional purposes, and no consent of the people is necessary in any them.

But, Mr. President, what are we to think? Is it possible that this great and powerful nation of ours, powerful in peace and powerful in war, and to be powerful, we trust, in the commercial world, has no power to subserve its own necessary and constitutional purposes except only by the consent of the people who may for the time being be affected? I utterly repudiate any such doctrine.

Why, Mr. President, this Government, as I have undertaken to

point out, has unqualified and unrestricted power to acquire territory by treaty. When you acquire territory by treaty, is not that acquiring it for a constitutional purpose? If the Chief Executive of the nation sign and the Senate of the United States ratify a treaty agreeing that territory shall be acquired in a given case, are we to assume that it was not a constitutional purpose for which it was acquired and that they have violated the Constitution? Is the purpose in such case open to question?

We were talking about Canada this morning. Suppose, Mr. President, the cordial relations, with which we are all so much gratified, that are existing now between Canada and the mother country and this country should continue, and that in the course of events there should be developments of such a character as to show that it was highly advantageous to both countries to annex Canada to the United States, we would certainly have authority under the Constitution to negotiate and ratify and put into force such a treaty, and if we put it in force—I mean if we thus acquired Canada, and acquired it to promote the interests of both countries, and particularly those of our own country—would that not be a constitutional purpose? Take the preamble of the Constitution and read it. Would not the promotion in that way of our national interests be within the meaning of that Constitution? Most clearly it would. In such a case there would doubtless be full consent.

But suppose that, on the contrary, instead of these relations ripening into that kind of a result, there should be an estrangement that would end in hostility and war, and it should be necessary for this country to march its armies across the border and take Canada, or part of Canada, by conquest, to straighten out the line, for instance, between the northern boundary line of Maine and the northern boundary of the lakes, to take it by way of indemnity or by conquest, just as you might take it in case of war, I ask would not that be a constitutional acquisition of territory?

If that be a constitutional purpose, and it be so constitutionally acquired, can we not govern it without stopping to count how many people there are and to know whether or not they are hostile to us, as probably that people would be in view of our taking their territory in that manner, or without stopping to inquire whether or not the people against whom we had been waging war, whose country we had found it necessary to take away from them and add to our own, if consulted, would give, formally or otherwise, their assent to the proposition? It seems to me, with all due deference to the distinguished Senators who advance the proposition, that it is absolutely untenable.

Again, a great deal was sought to be made of the fact that the Senator from Connecticut [Mr. PLATT] answered an inquiry of the Senator from Massachusetts [Mr. HOAR] by saying that "the just powers of government are derived from the consent of some of the governed." That is strictly true. True, as the Senator from Connecticut pointed out at the time when he remarked it, minors are citizens of the United States, and yet we do not stop to consult them as to government; women are citizens of the United States, and yet, so far as the exercise of the elective franchise at least is concerned, they are not consulted.

There are many other instances, and one was recalled to the Senator from Massachusetts, as I understand, soon after he took his seat by the distinguished Senator from Alabama [Mr. PETTUS],

when he came and reminded the Senator from Massachusetts of the events in this country from 1861 to 1865. I understood he so reminded him, but whether he did or not it is true that Mr. Lincoln was elected President in 1860, not by a majority but by a minority vote. He was never President upon the call of the majority of the electors of the United States, and eleven States of this Union went into rebellion, undertook to go out of the Union, and fight their way out, rather than stay and be governed by him. But Mr. Lincoln marshaled the armies of the nation, and after four years of war compelled them to submit to the Government which he had been called upon to administer. We did not have the consent of those eleven States.

But, say Senators on the other side, in this kind of a government the majority must rule. Certainly the majority must rule, but the fact remains that only some consent if there be a minority. The fact that there is a minority shows that only some are consenting. The fact that there are those who are not consulted shows that only some are consenting.

But now, Mr. President, I want to pass all that by and hurry to a conclusion by calling attention to the fact that what has so disturbed the Senator from Massachusetts and other Senators is without any foundation whatever as I understand the facts.

What is the excuse for talking about our intending to take a people who are struggling for freedom and liberty and independence and with shot and shell and sword and bayonet subjecting them to our power and our institutions and despotically governing them against their will? I have not heard of anybody wishing or intending to do that.

Mr. President, the trouble with the gentlemen is that they are talking about a theory instead of the condition that exists. What is the practical condition about which we are concerned, and what have Senators on the other side offered for the solution of that situation? We had war with Spain: I need not recount why. The fortunes of war carried us to the Philippines. When the war ended, those islands either had to be returned to Spain or they had to be taken by other nations, as other nations might see fit to take them, or the people of those islands had to be left in a state of anarchy, without government—for they had none then and have none yet—or else they had to be taken by the United States.

The first proposition was, Shall we return those islands to Spain? The Republican convention of Massachusetts answered that, and the Senator from Massachusetts time and again on the stump in the campaign, as I saw him reported in the newspapers, spoke in indorsement and approval of the declaration of the Republican convention of the State of Massachusetts when it said these islands should not be returned to Spain.

Mr. HOAR. I wrote it.

Mr. FORAKER. You wrote it? [Laughter.]

Mr. HOAR. Yes.

Mr. FORAKER. Then I presume it is safe to assume that we can quote the Senator from Massachusetts as opposed to the return of the Philippine Islands to Spain.

Mr. HOAR. Yes.

Mr. FORAKER. Then I am sure as to that proposition we are all agreed, and rightly. The rule of Spain in the Philippines had been, as in all her other colonies, cruel and unbearable almost beyond description and expression. It would have been an inhu-

manity to have returned those islands to her. So the first thing settled was that they should not go back to Spain. What, then, was to be done was the practical question. We had to deal with it in a practical way. I saw it reported in the newspapers, and I saw it stated upon other authorities, that before the Peace Commission and elsewhere the statement was made, and made on behalf of Aguinaldo and the insurgents he represented, that if the United States did not take them, there would be almost all Europe on their backs the next morning before breakfast.

That was the homely expression that was used in the newspapers. By that was meant simply that there was apprehension, and apprehension in the minds of the Filipinos themselves, that if they escaped Spain, by our refusing to return them they would be at the mercy of other European powers that might parcel them out among themselves. We did not want that. I need not stop to give reasons why, but, Mr. President, we did not have any moral right to allow any such thing as that. We were not very well acquainted as yet with the Filipinos, but we at once decided against both of these propositions. Who will say our decision was unwise?

What, then, was left? We had left on our hands the choice of allowing to them their independence and the privilege of establishing a free republic, which I do not understand anybody intends to deny to them, except only temporarily at the most, and allowing them to run all the risks of disorder and tyranny and misrule and mob rule, or otherwise we had to accept them and take care of them ourselves.

Mr. HOAR. Will the Senator repeat what he has just said?

Mr. FORAKER. I do not know whether I can.

Mr. HOAR. About what nobody proposed. I understood the Senator to state that nobody proposed to do certain things.

Mr. FORAKER. I do not understand anybody to be proposing to take the Philippine Islands with the idea and view of permanently holding them and denying to the people there the right to have a government of their own if they are capable of it and want to establish it. I do not understand that anybody wants to do that. I have not heard of anybody who wants to do that. The President of the United States does not, I know, and no Senator in this Chamber has made any such statement.

Mr. HOAR. Will the Senator allow me to ask him if he claims that we have the right to do what nobody proposes to do?

Mr. FORAKER. The right to do what?

Mr. HOAR. To do what the Senator says nobody proposes to do.

Mr. FORAKER. To allow them independence?

Mr. HOAR. I ask if we have the right to hold them without giving them their independence if we want to?

Mr. FORAKER. Unquestionably, if we take the Philippine Islands, so far as the question of power is concerned, I think there is no question whatever—

Mr. HOAR. I used the word "right."

Mr. FORAKER. I used the word "right" also. I am speaking, however, of the legal right; I am speaking of the power; I am speaking of the right; I am speaking of the authority of this Government. When it comes to the question of policy, I will tell you in a minute what I think about that. I am now telling you what we decided—and I think the Senator will agree with me—that those islands ought not to be given back to Spain or given to any other European power which would partition them out. Only

two things were left—to leave them to themselves at once and retire immediately, taking no responsibility whatever for the condition there obtaining, or else take charge of them by cession from Spain, asking the world to have confidence in this great Government, which has ever sought to do right, that we will deal with them as they should be dealt with.

As a result, the commissioners representing the United States at Paris have agreed upon a treaty—it has been published in the newspapers, and, therefore, I may speak of it freely, although the ban of secrecy has not yet been removed formally—according to the terms of which we are to take possession of these islands. Spain has agreed to that, and I suppose that the treaty in the near future will be ratified. I can not say with propriety—

Mr. HAWLEY. Mr. President, I have objected to other Senators interrupting the distinguished Senator from Ohio, but I beg to read something so entirely apropos to what he is arguing that I can not resist asking his consent to do so at this time.

Mr. FORAKER. Certainly.

Mr. HAWLEY. Here is an act passed by Congress March 3, 1821. I shall not read the whole of it:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the President of the United States be, and he is hereby, authorized to take possession of and occupy the Territories of East and West Florida, and the appendages and appurtenances thereof; and to remove and transport the officers and soldiers of the King of Spain, being there, to the Havana, agreeably to the stipulations of a treaty between the United States and Spain.

But before that, in advance of any treaty, in advance of any declaration of war, Congress directed the President to take possession of east and west Florida and establish a temporary government therein.

Section 2 of the act from which I am reading provides:

That until the end of the first session of the next Congress, unless provision for the temporary government of said Territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same Territories shall be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct.

He was by that act made the absolute monarch of Florida. Afterwards, by a subsequent act, there was organized what was called a government; and it was provided:

That the legislative power shall be vested in the governor and in thirteen of the most fit and discreet persons of the Territory, to be called the legislative council, who shall be appointed annually by the President of the United States, by and with the advice and consent of the Senate, from among the citizens of the United States residing there.

Without any consent whatever of the people.

Mr. FORAKER. Mr. President, I have but a word or two more to say in conclusion.

Mr. BACON. Will the Senator pardon me for asking a question as he is passing from that branch of his address?

Mr. FORAKER. I was not quite through with that.

Mr. BACON. I want to ask this question, and I do it because I desire to know what is the position of the Senator. What is there differing between the condition of the people of the Philippine Islands and the people of Cuba which would prevent our making the same stipulations and the same requirements in regard to the Philippine Islands that we have made in regard to Cuba?

Mr. FORAKER. Just this, Mr. President. In the case of Cuba there was no complication whatever involving any other power

except only the powers of Spain and the United States, and in the case of the Philippine Islands there are complications which I can not speak of here in this open chamber with propriety, but which you will hear of when we sit behind closed doors to consider this treaty, which justify in the most complete manner, as I understand it, the action of the President in pursuing the course which has been pursued. In fact, no other course would have been a safe course for this country to pursue, having in view the object and the end not only of justice to ourselves in this controversy, but especially justice and right and the promotion of the good of the Filipinos themselves.

Mr. HOAR. May I ask the Senator one question, and I will not ask him another on this particular point on which he is discoursing? He says, as I understand, that after the pacification of these islands, they should be restored to the inhabitants if they desire it and are fit to take control. Now, in that case, is or is not the American flag to be hauled down?

Mr. FORAKER. Well, Mr. President, that is a question which we will answer when we come to it.

Mr. HOAR. I thought we had come to it now.

Mr. FORAKER. What I have said in answer to the Senator is in the record, and will show that I do not know of anybody who wants to take possession of the Philippine Islands and govern the people of those islands indefinitely against their will, by force of arms. I believe that the President of the United States and those who are supporting his policy in this regard are as much lovers of liberty and justice as is the Senator from Massachusetts, and I believe their love of liberty and freedom and independence will go out in the future, as it goes out to-day, to the Filipinos and all the rest of mankind, as certainly and as unerringly as his.

Mr. HOAR. My question to the Senator was not put as a mere piece of rhetoric or word playing.

Mr. FORAKER. There was not much rhetoric about it, I will admit. [Laughter.]

Mr. HOAR. I understand, whether rightly or not, that the gentlemen who have said the American flag shall not be hauled down where it has been once raised, mean to have it understood that we are to hold perpetual dominion over those people whether they consent or no. That is what I understood, and I wanted to see what was the Senator's view about that.

Mr. FORAKER. Well, Mr. President, I will tell the Senator what my view is—

Mr. HOAR. Does the Senator mean, if the people of the Philippine Islands think it is for their happiness to try to govern themselves, that we should withdraw the power of the United States and let them do it?

Mr. FORAKER. I think when we come to consider the question of policy with respect to the Philippines, with the conditions there existing, their feeling of friendship, or their feeling of consent or of objection, will have much to do with determining Congress in that respect. I say I do not know of anybody, from the President of the United States down to his humblest follower in this matter, who is proposing by force and violence to take and hold those islands for all time to come. That is all I can say in answer to the Senator.

I am willing to trust the Administration; I am willing to trust the institutions of this Government and the people of this Gov-

ernment to do justice by the Filipinos. I have no sympathy whatever Mr. President, and I do not believe the Administration has, with the war which some people talk about making on Aguinaldo and his followers in their struggle for liberty and independence, and I have no sympathy whatever with the talk that is indulged in in some places about making war on Gomez and his followers who have been struggling for the liberation of Cuba. In due time all that will be reached and considered. But I say now that this case, as every other case, must stand or fall upon its own merits and be measured by its own facts, conditions, and circumstances.

I know whereof I speak when I say that of the four things we had the choice of doing—giving the islands back to Spain, giving them to other countries, leaving them to anarchy, or taking them ourselves—the President acted most wisely when he concluded that we should take them ourselves; and he comes now and says, when he submits this treaty, “You put me to war; here is the result; here are these people; do with them as you like.” It is for the Congress of the United States to investigate and find out about the islands of the Philippines, what kind of inhabitants they may have, whether or not they are capable of government, and whether or not they want government, or whether or not only a few want government.

What is the feeling of the population? You can not tell that in the short time we have had to deal with them. At least I have not been able to satisfy my mind about it. I hope in the near future to be able to do so, and I hope that in due course, at no distant day, we can act intelligently, and I know we will act justly.

I wish, in concluding, to submit and have printed at the close of my remarks the order made by the President with respect to the Philippine Islands, dated December 21, 1898. I shall not stop to read it, but I submit it and ask that it may go into the Record simply that the spirit with which he has undertaken to do what he is doing may be made manifest.

Mr. President, I thank you. [Manifestations of applause in the galleries.]

APPENDIX.

EXECUTIVE MANSION,
Washington, December 21, 1898.

SIR: The destruction of the Spanish fleet in the harbor of Manila by the United States naval squadron commanded by Rear-Admiral Dewey, followed by the reduction of the city and the surrender of the Spanish forces, practically effected the conquest of the Philippine Islands and the suspension of Spanish sovereignty therein.

With the signature of the treaty of peace between the United States and Spain by their respective plenipotentiaries at Paris, on the 10th instant, and as the result of the victories of American arms, the future control, disposition, and government of the Philippine Islands are ceded to the United States. In fulfillment of the rights of sovereignty thus acquired and the responsible obligations of government thus assumed, the actual occupation and administration of the entire group of the Philippine Islands be-

come immediately necessary, and the military government heretofore maintained by the United States in the city, harbor, and bay of Manila is to be extended with all possible dispatch to the whole of the ceded territory.

In performing this duty, the military commander of the United States is enjoined to make known to the inhabitants of the Philippine Islands that in succeeding to the sovereignty of Spain, in severing the former political relations of the inhabitants, and in establishing a new political power, the authority of the United States is to be exerted for the security of the persons and property of the people of the islands and for the confirmation of all their private rights and relations.

It will be the duty of the commander of the forces of occupation to announce and proclaim in the most public manner that we come, not as invaders or conquerors, but as friends, to protect the natives in their homes, in their employments, and in their personal and religious rights. All persons who, either by active aid or by honest submission, cooperate with the Government of the United States to give effect to these beneficent purposes, will receive the reward of its support and protection. All others will be brought within the lawful rule we have assumed, with firmness if need be, but without severity so far as may be possible.

Within the absolute domain of military authority, which necessarily is and must remain supreme in the ceded territory until the legislation of the United States shall otherwise provide, the municipal laws of the territory in respect to private rights and property and the repression of crime are to be considered as continuing in force, and to be administered by the ordinary tribunals so far as practicable. The operations of civil and municipal government are to be performed by such officers as may accept the supremacy of the United States by taking the oath of allegiance, or by officers chosen as far as may be practicable from the inhabitants of the islands.

While the control of all the public property and the revenues of the state passes with the cession, and while the use and management of all public means of transportation are necessarily reserved to the authority of the United States, private property, whether belonging to individuals or corporations, is to be respected, except for cause duly established. The taxes and duties heretofore payable by the inhabitants to the late Government become payable to the authorities of the United States, unless it be seen fit to substitute for them other reasonable rates or modes of contribution to the expenses of government, whether general or local. If private property be taken for military use it shall be paid for when possible in cash at a fair valuation, and when payment in cash is not practicable receipts are to be given.

All ports and places in the Philippine Islands in the actual possession of the land and naval forces of the United States will be opened to the commerce of all friendly nations. All goods and wares not prohibited for military reasons, by due announcement of the military authority, will be admitted upon payment of such duties and other charges as shall be in force at the time of their importation.

Finally, it should be the earnest and paramount aim of the military administration to win the confidence, respect, and affection of the inhabitants of the Philippines by assuring to them in

every possible way that full measure of individual rights and liberties which is the heritage of free peoples, and by proving to them that the mission of the United States is one of benevolent assimilation, substituting the mild sway of justice and right for arbitrary rule. In the fulfillment of this high mission, supporting the temperate administration of affairs for the greatest good of the governed, there must be sedulously maintained the strong arm of authority to repress disturbance and to overcome all obstacles to the bestowal of the blessings of good and stable government upon the people of the Philippine Islands under the free flag of the United States.

WILLIAM MCKINLEY.

The SECRETARY OF WAR.

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SUPPLEMENTARY REMARKS

OF

HON. J. B. FORAKER,

OF OHIO,

IN THE

SENATE OF THE UNITED STATES,

JANUARY 19, 1899,

TO HIS SPEECH OF JANUARY 11, 1899,

RELATIVE TO THE

POWER OF THE GOVERNMENT OF THE
UNITED STATES TO ACQUIRE, HOLD,
AND GOVERN TERRITORY.



WASHINGTON.

1899.

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REMARKS
OF
HON. J. B. FORAKER.

The Senate having under consideration the joint resolution (S. R. 191) declaring that under the Constitution of the United States no power is given to the Federal Government to acquire territory to be held and governed permanently as colonies, and Mr. TURNER having addressed the Senate—

Mr. FORAKER said:

Mr. PRESIDENT: I have listened, as all who have remained in the Chamber doubtless have, with great interest to the very able speech that has just been delivered. It has been an interesting and a very valuable contribution to this discussion.

There were some things said, however, by the Senator from Washington in his speech, in his allusions to my remarks made on the 11th instant, to which I desire to take exception. I did not see fit to interrupt him while he was engaged in delivering his speech, thinking it would perhaps be better to wait until he had concluded, so that if there should be more than one matter to which I desired to take exception, I might address myself to all of them at the same time.

Early in the remarks made by the Senator from Washington, referring to the remarks I made here on the 11th, he quoted me as saying, as I understood him (and if I now quote him incorrectly I trust he will correct me) that I had contended that the Government has an unlimited power to acquire territory—which is true, in my judgment; I did so contend—and that I had also contended that Congress has an unlimited and unrestricted power to govern that territory without any reference whatever to the Constitution or any of its limitations.

Mr. TURNER. If the Senator will permit me, he is in error in quoting me.

Mr. FORAKER. I would be glad if the Senator from Washington would turn to that part of his remarks.

Mr. TURNER. I did not undertake to quote the remarks of

the Senator from Ohio. I said that the doctrines of that Senator and others in a concrete form were to that effect; and I think they are.

Mr. FORAKER. I can not quote the precise language employed by the Senator from Washington, but it was to the effect that I had contended here that in governing territory which might be acquired by the United States we are not restricted by any of the limitations or provisions of the Constitution—I think his language was quite that strong.

I want to call his attention to the fact that I did not say anything upon which justly he could have predicated such a statement. I would not think for one moment that the Senator would misrepresent intentionally or knowingly any statement that I might make, but thinking that he evidently has done so unwittingly, at least, I desire to call his attention to what I did say upon that point.

What I said upon that point was in answer to interrogatories that were put to me in the course of the remarks I made. I think they were put by the Senator from Nebraska [Mr. ALLEN]. At any rate, at page 644 of the CONGRESSIONAL RECORD for January 11 there appears the following upon that point:

Mr. FORAKER. I do not wish to be diverted from the argument in the midst of which I was, but I will pause just a moment to say, in answer to the Senator from Nebraska, in order that I may answer him as well as the Senator from Colorado, that we by act of Congress in every instance where territory is acquired declare that the Constitution shall be extended, and then by act of Congress we provide legislation that will set the principles of the Constitution in motion in that territory. In other words, the Constitution does not proprio vigore extend into and operate in the territory; but when the legislative machinery has been supplied it then does operate there, and not until then. And in the Hawaiian bill now pending before the Senate, as suggested by the Senator from Massachusetts [Mr. LODGE], that identical clause is to be found.

Now, of course, when we sit here to legislate for the Territories that belong to the United States, we are governed and restricted and limited by the provisions of the Constitution, and we could not faithfully keep our oaths and provide laws that would deny any of the constitutional immunities and privileges to citizens in the Territories that are guaranteed by the bill of rights.

In another connection on the same page I spoke again to the same effect.

Mr. TURNER. Will the Senator from Ohio permit me to interrupt him?

Mr. FORAKER. Certainly.

Mr. TURNER. I should like to ask the Senator what he meant in the succeeding paragraph of his speech by reading from page 456 of the eighty-sixth Federal Reporter, the case furnished him by the Senator from Connecticut [Mr. PLATT], to this effect: "Congress has full legislative power over the Territories, unrestricted by the limitations of the Constitution," if he did not mean the Senate to understand that he held that to be his doctrine.

Mr. FORAKER. On what page is that found?

Mr. TURNER. It is in the succeeding paragraph from the one you last read, page 644.

Mr. FORAKER. Ah, yes. I take a great deal of pleasure in answering the Senator's inquiry. The Senator would not need any answer from me if he had read the context. I had never before seen the case to which he now calls my attention. It was handed to me by the Senator from Connecticut [Mr. PLATT] who now occupies the chair. I had no time to examine it. He called my attention to a paragraph of the syllabus, and I read it, making this remark at the time:

I wish to put in one other authority, if the Senator will excuse me for a moment—

The Senator from South Carolina [Mr. TILLMAN] had asked me a question—

It is handed to me by the Senator from Connecticut [Mr. PLATT]. It is found in the eighty-sixth volume of the Federal Reporter, page 456, and is the case of *Endelman et al. vs. The United States*. I read from the second paragraph of the syllabus, Ninth circuit court of appeals:

"Congress has full legislative power over the Territories, unrestricted by the limitations of the Constitution."

Seeing that that was a very broad declaration, broader than I had found in any other case, I then made this remark:

I have not examined the case. I do not know what the court says in the opinion, but it seems to be quite applicable to the point now under consideration.

Then I passed on. In other words, Mr. President, I took no responsibility whatever for that case, and expressly so stated to the Senate when I made use of it upon a suggestion of the Senator from Connecticut. I do not know whether that proposition in the syllabus is limited or restricted or explained or not in the opinion of the court, and I so stated to the Senate at the time

when I used it. Certainly, having used the authority under such circumstances and with such an explanation, it ought not to be deemed by the Senator from Washington or by any other Senator a warrant for the declaration he made, as I understood the effect of it and as I understand him now to concede the effect of it, that I had contended here that we could legislate with respect to the Territories of the United States without any regard whatsoever to the limitations and restrictions and provisions of the Constitution of the United States.

Mr. MORGAN. Will the Senator from Ohio allow me?

Mr. FORAKER. If you will allow me just a moment I shall be pleased to have you interrupt me later. I not only employed, which is a part of this context, that which I have already quoted, but when further interrogated by the Senator from South Carolina [Mr. TILLMAN] I used this language. He was asking, however, with special reference to legislation in regard to suffrage. On that same page of the RECORD I said:

Unless Congress sees fit to provide, nobody can vote in a Territory. The whole subject with respect to a Territory is in the hands of Congress to legislate about as Congress may see fit, having reference to local conditions, and, of course, being governed by the limitations of the Constitution in regard to those principles pertaining to personal liberty and personal rights that are spoken of in the bill of rights.

Mr. SPOONER. The question of suffrage is regulated by the States.

Mr. FORAKER. Yes; the question of suffrage is regulated by the States.

Mr. MORGAN. Now will the Senator permit me?

Mr. FORAKER. Will you wait just a moment, until I read from Mr. Pomeroy? I want to read now in support of what I said, what was my own statement, what was my own contention, and all of which was before the Senator from Washington when he made his remarks and attributed to me the argument which I contend I never made.

I want to read, I say, in support of that precisely what he read a few minutes ago. I had not seen what Mr. Pomeroy said on the subject. I was simply acquainted, as I thought, with the elementary principles with respect to that question. I was not speaking with any particular authority in mind. I was simply

announcing what I understood to be an elementary constitutional doctrine. I was simply proceeding upon what I conceived to be the reason of the case, that we could not, sitting here as Senators of the United States in the discharge of official duties with respect to which we had taken an oath, an obligation, disregard the Constitution when we came to legislate with respect to the Territories, but, on the contrary, were bound to observe all those provisions and guaranties and immunities provided for the citizen of the United States in the Bill of Rights.

Now, see how clearly in line with the principal authority upon which the Senator relies my remarks were:

SEC. 492. But is Congress absolutely omnipotent over these districts and Territories? Is it, like the British Parliament, bound by no limitations save those which are self imposed? This can not be, nor does the language of the Constitution require a construction so much opposed to all our ideas of civil polity. The safeguards of individual rights, those clauses which preserve the lives, liberty, and property of the citizens from the encroachments of arbitrary power, must apply as well to that legislation of Congress which is concerned exclusively with the District of Columbia or with the Territories as to that which is concerned with the States. The reasoning which leads to this conclusion is irresistible.

A bill of rights is certainly no less important for the District of Columbia and for the Territories than for that portion of the nation which is organized into States. If it were thought necessary that Congress should be hedged round with restrictions while it is legislating for the inhabitants of the States, who may be partially protected by their local governments, how much more necessary that the same body should be restrained while legislating for the inhabitants of those districts and Territories over which it has exclusive control and undivided sway. Now, it is to be remarked that the mandatory clauses of the first eight amendments—which constitute the national bill of rights—are clothed in the most general language; they make no exceptions; they apply to Congress in the exercise of all its functions; in general terms they cover its legislation for the District of Columbia and for the Territories, as well as for the States.

These clauses must, therefore, be compulsive upon Congress when it makes laws for the District or for the Territories, unless the general language in which they are framed is controlled and modified by the particular language of the provisions which expressly relate to the District and to the Territories. These special provisions declare that Congress shall have power "to make all needful rules and regulations respecting the Territory" and "to exercise exclusive legislation in all cases whatsoever over such District." There is evidently nothing contradictory between the first of these provisions and the general restrictions of the bill of rights. In the second, the phrase "exclusive legislation" simply designates Congress as the only lawmaking body, without indicating in the least what laws may be made.

The words "in all cases whatsoever" are the only ones which even appear to limit the general mandates of the first eight amendments; and here the contradiction is in appearance merely. The "all cases whatsoever" must be construed to mean all cases in which any legislation is possible. In fact, this affirmative grant of general legislative power is limited by the same negative mandates which affect all the other affirmative grants to the National Gov-

ernment. Whatever laws may be passed—and any may be enacted that are not forbidden by the express or the implied negative restrictions of the Constitution—Congress is the sole body from which they must issue.—*Pomeroy's Constitutional Law*, pages 401, 402.

In other words, the authority is precisely as I contended, that while in the territory when it is first acquired there is no operation of the Constitution, because the instrument is not self-executing, and while there can not be any operation of the Constitution in the Territories until we provide by legislation the necessary machinery—while all that is true, yet when we do come to legislate, we, sitting here as Senators, are bound by the restrictions and limitations of the Constitution and can not disregard them: and it is not necessary to the position we have taken in this case that any argument to that effect should be made. I have not understood that anybody has undertaken to make any such argument.

Mr. MORGAN rose.

Mr. TURNER. Will the Senator from Ohio permit me to interrupt him now? I have my words before me.

Mr. FORAKER. I desire first to yield to the Senator from Alabama.

Mr. MORGAN. I merely wanted to call the attention of both Senators to the fact that no Senator yet has commented upon the power derived from the laws of nations contained in this definition of the powers of Congress:

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.

That puts us under the laws of nations; it gives us all of the powers derivable under the laws of nations. When we, by conquest or otherwise, acquire territory from a foreign country, the laws of nations obtain there, giving to Congress the power to punish offenses against them or to control them until we have by act of Congress superseded that status and brought them in as a territory in some other light.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 4792) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua,"

approved February 20, 1889, and to aid in the construction of the Nicaragua Canal.

Mr. HOAR. I suggest that the unfinished business be informally laid aside until the Senator from Ohio has concluded what he has to say.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the unfinished business be temporarily laid aside until the Senator from Ohio has concluded. Is there objection? The Chair hears none, and the Senator from Ohio will proceed.

Mr. FORAKER. I shall ask the Senate to indulge me but a very few minutes.

Mr. TURNER. Will the Senator allow me to interrupt him just one moment?

Mr. FORAKER. Certainly.

Mr. TURNER. I wish to call the attention of the Senator and the Senate to the fact that I did not, I think, misrepresent his position with reference to the question to which he addresses himself. My words were:

I desire to take issue squarely with the Senator from Connecticut and the Senator from Ohio and the Senator from Colorado that the Constitution does not take effect *ex proprio vigore* over the domain of the United States not organized into States.

There is where I stated his position. I understand him to maintain the same position now, and I understand him to be squarely opposed by every utterance of the Supreme Court of the United States.

Mr. FORAKER. A clause of the Senator's speech which he has not read is the one to which I refer. The one to which I refer was made much earlier in his remarks, just after he first alluded to my remarks here on the 11th instant, and no doubt when the RECORD is printed to-morrow morning it will appear so. The declaration he made was that I had contended we could legislate with respect to Territories without regard to the Constitution. If the Senator will turn back in his manuscript he will find that he made such a statement; and it was because I did not want that kind of a statement to go unchallenged, when found in a speech of such ability and delivered by a Senator so distinguished in the law as the Senator from Washington, that I rose to take exception to it.

Now I want to pass from that, however, and speak of another matter about which the Senator has said something.

Mr. RAWLINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. FORAKER. Certainly.

Mr. RAWLINS. Do I correctly understand the position of the Senator to be that in so far as political privileges like the right of voting and holding office in a Territory are concerned, because of the absence of an act of Congress the people in a Territory do not possess those privileges, and therefore the Senator holds that the Constitution does not apply to the Territories in and of itself?

Mr. FORAKER. Mr. President, there is hardly an excuse for the interrogatory the Senator from Utah has propounded to me, I have not said anything even like that.

Mr. RAWLINS. I wanted—

Mr. FORAKER. What I said is that the Constitution of the United States does not operate in the Territories of the United States until legislative machinery has been supplied to set it in motion there.

Mr. RAWLINS. Now, if the Senator—

Mr. FORAKER. If the Senator from Utah will allow me, I think I can make it plain so that Senators will have no difficulty in comprehending what I have contended for. Nobody questions but that everywhere throughout the Territories of the United States citizens of the United States residing there are entitled to all the rights and privileges and immunities guaranteed by the bill of rights. A man is entitled to the writ of habeas corpus, a man is entitled to a trial by jury, a man is entitled to bear arms, a man is entitled to each and every one, I say, of the privileges and immunities—not stopping further to detail them—guaranteed by the bill of rights. But how can he have the writ of habeas corpus; how can he have a trial by jury; how can he have an enforcement of any of these rights in the Territory before Congress has legislated and set these principles of the Constitution in motion in the Territory? That is the point I have made.

Mr. RAWLINS. Now, may I interrupt the Senator?

Mr. HOAR. May I ask the Senator from Ohio a practical question?

Mr. FORAKER. The Senator from Utah wants to ask me a question.

Mr. RAWLINS. I had not yet completed my question.

Mr. FORAKER. Oh, I beg pardon; I thought the Senator had done so.

Mr. RAWLINS. The point which I desired to make was, that no political privileges, such as the right of franchise, of voting, or holding office, are imparted to anyone by the Constitution.

Mr. FORAKER. No.

Mr. RAWLINS. Therefore, conceding the Constitution and all its provisions so far as applicable in force in a Territory, those rights would not exist in the absence of legislation. So I understood the Senator's position to be that all the provisions in and of themselves so far as applicable apply to the Territories in the absence of legislation except such as I have specified, which are in the nature of political privileges.

Mr. FORAKER. What I meant to say was simply this, that until Congress shall legislate so as to set the Constitution in motion, these rights belong to the citizens in the Territories in an abstract way simply: they can not be reduced to a practical enjoyment. The Constitution extends in a certain way, but not in a practical and operating way; that is all. It is there in the sense that when we put it into operation, the citizens of those Territories will have all the benefits and all the rights and all the guaranties by it provided.

Mr. HOAR. I desire to put to the Senator then this practical question, if I may. I understand him to say in substance, though he said it better than I shall say it now, that while the Constitution does not, *proprio vigore*, extend to the Territories until some legislation is put in motion, yet that it does operate as a constraint and as a command upon Congress in legislating for the Territories. The statement is in form a little different, but that is the point.

Mr. FORAKER. The Senator is precisely right. That is what I meant.

Mr. HOAR. Very well. Now, then, does the Senator hold that if we acquire the Philippine Islands by the pending treaty all the constitutional provisions, restraints, and commands which apply to our domestic Territories will apply to them and will be in

force as soon as Congress begins to legislate for them as commanding and constraining Congress?

Mr. FORAKER. About that there might be very well a difference of opinion. I say unhesitatingly yes, so far as all personal rights and privileges and immunities are concerned. When it comes to the question whether or not customs duties shall be made uniform throughout the United States, including the Philippines, as was contended by the Senator from Washington this morning, a different question will arise.

Mr. HOAR. I inquired with special reference to rights, trial by jury, habeas corpus, and no distinction in suffrage on account of race or color.

Mr. FORAKER. I am of opinion that it would, as I have said.

Mr. CAFFERY. Mr. President, will the Senator from Ohio permit me to ask him a question?

Mr. MORGAN. I desire to—

Mr. FORAKER. I am talking about a Territory while it is a Territory, in which Territory there is no constitutional provision applying as to the question of suffrage.

Mr. HOAR. While it is a Territory unlegislated for?

Mr. FORAKER. While it is a Territory and legislated for by Congress.

Mr. HOAR. Unlegislated for?

Mr. FORAKER. I say Congress has plenary power to deal with it as it sees fit, save and except only as Congress is restrained and restricted by the bill of rights.

Mr. MORGAN. Mr. President, I want to make an appeal to Senators to allow me or someone—the Senator from Iowa, probably—to take the floor upon the canal bill. There are a number of Senators who this evening have to be absent from the city, and the Senator from Ohio certainly can find time to-morrow after we have disposed of that measure.

Mr. FORAKER. If the Senator will allow me, I shall detain the Senate but a moment longer, for I am as anxious as he is to take up the canal bill.

Mr. MORGAN. The Senator from Louisiana has risen to ask a question to be answered, and there is going to be a lot of them asked; and I object.

Mr. FORAKER. What I wanted to say was something personal to myself. Yet I shall be glad to answer any question.

Mr. CAFFERY. I shall not detain the Senate long with the question I propose to ask the Senator from Ohio. The treaty is not ratified; it is now pending; and suppose that in the interregnum an arrest is made in the Philippine Islands. The President of the United States, under the ordinary law and the law of nations, will govern the country after a military form, and the laws of that country, so far as they are not inconsistent with the laws of the United States, will be enforced. Suppose a man is indicted and prosecuted for some offense, for felony, in the Philippine Islands, and he is tried and convicted without a court, would the Constitution of the United States operate *ex proprio vigore* in that case?

Mr. FORAKER. Not while there is a military occupation; not until we get it into operation there by legislation. That is the point I have been insisting upon.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. MORGAN. I call for the regular order.

The PRESIDING OFFICER. The Senator from Alabama calls for the regular order, which is the Nicaragua Canal bill.

Mr. FORAKER. Will the Senator indulge me for a moment?

Mr. MORGAN. I can not consent.

The PRESIDING OFFICER. The Chair will make a statement. The regular order was laid aside to enable the Senator from Ohio to conclude the remarks which he was making at the time when the hour of 2 o'clock arrived. The Chair supposes that that is the order of the Senate until the Senator from Ohio shall have concluded the remarks which he was making at that time.

Mr. MORGAN. And a good many other Senators have interfered.

Mr. TILLMAN. I just—

Mr. FORAKER. If the Senator from South Carolina will pardon me, I would rather have him ask his question a little bit later, for I want to get into the RECORD, without unduly delaying the regular order, what among other things I rose specifically to say.

The Senator from Washington made some remarks about what was said by me as to the purpose of the Administration with respect to the Philippine Islands, commenting in that connection upon some articles that have appeared in the newspapers, some to the effect that I was speaking as the mouthpiece of the Administration and some to the effect that I was not so speaking. I desire to say here and now, Mr. President, in view of all that has been said in the newspapers and here on the floor of the Senate what I did not imagine for one moment it was necessary for me to say at the time when I was speaking, that I did not speak here for anybody except for myself. I was not speaking for the Administration or as the representative of the Administration; and it must be that the chill that went up the backs of our good friends over in London was due to the fact, as has been suggested by some of the Senators, that there was some confusion as to which one of the Senators from Ohio it was who was speaking. [Laughter.]

Now, one remark further as to what I did say. I did not say that it was the purpose of the Administration or the purpose of anybody else to immediately surrender to the people of the Philippine Islands the control of those islands. I was speaking to a resolution which declared that the Government has no power to acquire and hold and govern territory as a colony permanently, forever and ever, as contradistinguished from the holding and governing of a territory as a colony for a less time than permanently, which would be temporarily. It had been asserted here in debate, as I understood, that it was the purpose of the Administration and the purpose of those supporting the Administration to take those islands and hold and govern them as a colony by force of arms forever in violation of the declaration of that resolution. That is what I was speaking to, and the language I employed should be interpreted in the light of the resolution which I was discussing.

But here, Mr. President, is what I said. I did not say anything about anybody's present purpose except only as that might be inferred from the statement I made that I knew nobody had the particular purpose in mind which had been ascribed to the Administration by those who had spoken in favor of the resolution. I read from the RECORD the very remarks I then made.

Mr. MORGAN. I again appeal to the honorable Senator from Ohio, in view of the fact I have stated to him, that some Senators

are obliged to leave the Chamber, that we should take up the regular order, and the Senator may go on and conclude his remarks and make any observations he chooses after that bill is disposed of.

Mr. FORAKER. If the Senator will let me read for not more than three minutes of time, I will then gladly yield. I want to put it in in this connection.

What I said was in reply to interruptions and questions, repeated questions, and there is, therefore, a good deal of repetition in my remarks, but the spirit in which I spoke will appear from the following. In answer to the Senator from Massachusetts [Mr. HOAR], I said:

I do not understand anybody to be proposing to take the Philippine Islands with the idea and view of permanently holding them and denying to the people there the right to have a government of their own if they are capable of it and want to establish it. I do not understand that anybody wants to do that. I have not heard of anybody who wants to do that. The President of the United States does not, I know, and no Senator in this Chamber has made any such statement.

When I spoke of what I knew of the mind of the President of the United States in that particular, I was speaking simply of his public declarations and of his official acts as well, all of which were in contradiction of the idea that by sword and bayonet and shot and shell, as I remarked here in another connection, he meant to hold those islands without regard to the conditions that might exist there and without regard to whether or not the people of those islands consented or objected.

Speaking again, I said that "only two things were left" for us to do with respect to the Philippines. I was speaking on that point. This is my language:

Only two things were left—to leave them to themselves at once and retire immediately, taking no responsibility whatever for the condition there obtaining, or else take charge of them by cession from Spain, asking the world to have confidence in this great Government, which has ever sought to do right, that we will deal with them as they should be dealt with.

I wish to read two other clauses, and then I will gladly yield to the Senator from Alabama. In answer to another question from the Senator from Massachusetts, I said:

What I have said in answer to the Senator is in the RECORD, and will show that I do not know of anybody who wants to take possession of the Philippine Islands and govern the people of those islands indefinitely against their will by force of arms.

Again, in answer to another question from the Senator from Massachusetts, I said—all these questions being on the same point will account for the repetition—

I think when we come to consider the question of policy with respect to the Philippines, the conditions there existing, their feeling of friendship, or their feeling of consent or of objection, will have much to do with determining Congress in that respect. I say I do not know of anybody, from the President of the United States down to his humblest follower in this matter, who is proposing by force and violence to take and hold those islands for all time to come. That is all I can say in answer to the Senator.

Those extracts which I have read from the remarks I made will show what it was I had in mind and that what I said was not as to a present purpose, but as to the absence of a particular purpose that had been ascribed to the President.

That no franchises or concessions of any kind whatever shall be granted by the United States or by any military or other authority whatever in the island of Cuba during the occupation thereof by the United States.

SPEECH

OF

HON. J. B. FORAKER,
OF OHIO,

IN THE

SENATE OF THE UNITED STATES,

MARCH 3, 1899.

WASHINGTON.

1899.

SPEECH
OF
HON. J. B. FORAKER.

The Senate having under consideration the bill making appropriations for the Army for the fiscal year ending June 30, 1903.

Mr. FORAKER said:

Mr. PRESIDENT: I offer the following amendment:

And provided further, That no franchises or concessions of any kind whatever shall be granted by the United States, or by any military or other authority whatsoever for which the United States is responsible, in the island of Cuba during the occupation thereof by the United States.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio.

Mr. FORAKER. Mr. President, since that amendment was proposed a few days ago there has been so much in the newspapers about there being no occasion for it that I desire to read a few paragraphs from the Evening Star of February 10. It is an account of a new board that has been appointed, called the advisory board in some places and in others called the colonial board. It says:

The board appointed by the President to investigate and report upon taxation, franchises, and concessions in Cuba and Porto Rico is established in the Lemon Building. The handsomely equipped suite of rooms they now occupy on the second floor will be vacated to-day and the board hereafter will use the third floor suite, in which the war investigating commission has been sitting.

So it goes on. It next describes the scope of the inquiry as covering all kinds of franchises, enumerating street railroads, electric lights, etc. I ask, in order that I may save time, that the portion I have marked may be inserted in the Record.

The VICE-PRESIDENT. There being no objection, that will be the order.

The article referred to is as follows:

ROOMS OF THE BOARD.

The board appointed by the President to investigate and report upon taxation, franchises, and concessions in Cuba and Porto Rico is established in the Lemon building. The handsomely equipped suite of rooms they now occupy on the second floor will be vacated to-day and the board hereafter will use the third floor suite, in which the war investigating commission has been sitting.

Mr. Curtis has not yet reported for duty, but his colleagues, Messrs. Kennedy and Watkins, were busy to-day with a number of clerks, classifying and filing applications for franchises and concessions and receiving personal calls in connection with these matters.

The board hopes to obtain the services of a competent Spanish speaking clerk to act as translator, and to complete its force of clerks who will accompany the board in a few days. The start for Cuba will be made within a week or ten days.

THE SCOPE OF INQUIRY.

The scope of their inquiry comprehends all matters referred to them by the Secretary of War for investigation and recommendation. Only subjects related to civic administration will be considered and the board will not touch upon anything relating to the military. These include questions concerning the judiciary, the assessment and collection of taxes; the granting of

patents, the sale or gift of franchises, either local or interprovincial; railway grants, street-car line concessions, electric light and other municipal monopolies.

Upon all these the board will in due time report to the Secretary of War, but they have no power to do more than to formulate recommendations for the guidance of the President and Secretary Alger.

PLANS OF THE BOARD.

General Kennedy, of the board, gave to a Star reporter to-day the following interview:

"At present we are called the advisory board, but I believe that in time some more suitable designation will be found. We are expecting to be joined at once by Mr. Curtis, the new appointee, and then we will organize and perfect the details of our work.

"We are hunting for a Spanish-speaking clerk to act as translator, but we find it hard to accomplish. I don't know how large a force of clerks will accompany us. The start will be made soon—within a week or ten days. We will go direct to Havana in order to avoid the sickly season. Then we will visit every port, large city, and province on the island. We believe that we will be at least a month or six weeks doing this, and afterwards the same time and care will be spent in Porto Rico. We have nothing to do with the Philippines, as the United States has not completed the occupation of those islands.

MANY APPLICATIONS FOR CONCESSIONS.

"Very many applications have been referred to us by Secretary Alger and Assistant Secretary Micklejohn, and not a few calls have been made by applicants in person. A few requests for grants of franchises and concessions are from American syndicates, but the majority are from corporations already established on the island. Nothing will be done with any of these until we have gone over the ground and carefully looked into the advantages or disadvantages of each.

Mr. HOAR. I most heartily concur with the Senator's purpose in offering the amendment. I desire to ask him what significance he puts to the phrase "for which the United States is responsible?" Would it not be well to strike out those words and say "no franchises shall be granted by the United States?"

Mr. FORAKER. Probably so; but I wanted to make it explicit, for the United States is maintaining a military occupation there now.

Mr. HOAR. It makes it less explicit with those words in. I think it would be made stronger by simply saying that no franchises whatever shall be granted by the United States.

Mr. FORAKER. I do not object to striking that out, but I say no franchise shall be granted by the United States or by any authority for which the United States is responsible, having reference to those put in authority over the provinces there.

Mr. HOAR. But suppose some court or public official should say that a franchise granted by the United States incurring no further responsibility to maintain it or to do anything about it is not a franchise for which the United States is responsible. That would be a chance to destroy almost entirely the Senator's purpose.

Mr. FORAKER. I accept the amendment.

Mr. HOAR. It seems to me that an absolute statement that no franchises shall be granted clinches it. That is my proposition.

Mr. SEWELL. Mr. President—

Mr. FORAKER. Let me have the amendment so amended.

Mr. SEWELL. I have something to say about it.

Mr. FORAKER. I have no objection to the Senator proceeding. I wanted to amend the amendment.

Mr. SEWELL. I understand there have been no franchises granted. If there had been, this amendment has nothing to do on a pure and simple appropriation bill to pay the officers and men of the Army and furnish supplies. I make the point of order against the amendment.

Mr. FORAKER. In answer to that—

The VICE-PRESIDENT. Upon what ground is the point of order made? On the ground that it is not relevant?

Mr. SEWELL. On the ground that it is not germane to the bill.

Mr. CHANDLER. I hope the Senator from Ohio will fix the amendment as he wants it before it is debated.

Mr. FORAKER. I agree to strike out, if I may have consent, from the amendment as I offered it the words "for which the United States is responsible." The amendment will now read:

That no franchises or concessions of any kind whatever shall be granted by the United States, or by any military or other authority whatever, in the island of Cuba during the occupation thereof by the United States.

Let it be read at the desk.

The VICE-PRESIDENT. The amendment will be read as modified.

The SECRETARY. At the end of the bill insert:

And inserted further. That no franchises or concessions of any kind whatever shall be granted by the United States or by any military or other authority whatever in the island of Cuba during the occupation thereof by the United States.

Mr. MORGAN. Mr. President—

Mr. SEWELL. I now object to the amendment on the ground that it has never been committed to a standing committee or reported from one of the standing committees of the Senate.

Mr. LODGE. But the point of order does not apply, because the amendment does not increase the appropriation or make a new item.

Mr. CHANDLER. It is a mere limitation on the military authority, for which millions of dollars are appropriated in this act.

The VICE-PRESIDENT. The question of relevancy the Chair will submit to the Senate. Is the amendment in order? [Putting the question.] The amendment seems to be in order. It is declared to be in order. The question is on agreeing to the amendment.

Mr. BURROWS. Mr. President, it seems that this amendment is based on a report published in the Star of this city.

Mr. FORAKER. And numerous other papers contain similar reports.

Mr. BURROWS. I allude only to what the Senator referred to—the Star. If I remember correctly, some time since a resolution was passed calling upon the War Department to report whether any franchises had been granted to any parties in Cuba. That report declares that none had been granted. I desire simply to state that in communication with the War Department to-day I was informed that no franchises had been granted in those islands to anybody, and more than that that an order had been issued by the War Department that none must be granted.

Mr. MORGAN. I think this is very dangerous legislation. I ask the lawyers of this body, who are supposed to understand the meaning of legal phrases, what is a franchise? Well, a corporation is a franchise. An authority to sell whisky is a franchise. An authority to vote is a franchise. There is a vast multitude of licenses and other indulgences that are classed by the law writers as franchises.

Now, the time is rapidly approaching, I trust it is very close at hand, when the Government of the United States, represented by the President, the President exercising in Cuba and other places his military power, will be able to make a transfer of the

military rule, of the dominion there, into the hands of civil power; but in order to do that it is very obvious that at some time or other there must be an ascertainment of public will in respect to the change of government from the military to the civil form, the military form being in the hands of the United States, the civil form being in abeyance at the present time.

It is intended to be ultimately vested in the people of Cuba, according to such expression as they may see proper to make in that behalf. It is therefore inevitable, under our system of procedure at least, and under all the conceptions we have of free government, that when this transfer is to take place it must be done by a plebiscite or by some form of vote, and the President of the United States, as a military commander, must, at some time or other, by some agreement or arrangement he may make with the civil authority there, say: "I will prescribe to you a form of voting. I will confer upon certain persons here the franchise to vote upon this question of the changing of civil government. I will not confer it upon women, I will not confer it upon aliens, I will not confer it upon those who have borne a bad moral character, by service in the penitentiary or otherwise, or upon persons who can not, for instance, read or write. I will prescribe the qualifications of the voters by a plebiscite that is to take this military government out of my hands and place it into the hands of the people." Now, there is a franchise. It is an express franchise, given to the individual man.

Mr. MASON. Mr. President—

Mr. MORGAN. This amendment, as we have it here now, forbids the President of the United States to do that. So I think it is a very dangerous piece of legislation.

Mr. MASON. Will the Senator yield for a question?

Mr. MORGAN. More than that, Mr. President, it is premature. It is unnecessary for us at this moment of time, and particularly in the agitated state of public sentiment in the island of Cuba, to commence making provisions of law which are to control those people.

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Illinois for a question?

Mr. MORGAN. I did not hear the question. I can barely hear myself.

Mr. FORAKER. Will the Senator from Alabama allow me to interrupt him at this point?

Mr. MORGAN. Yes.

Mr. MASON. That is all right. I yield to the Senator from Ohio.

Mr. FORAKER. I will wait until the Senator concludes then.

Mr. MORGAN. If any Senator wants to ask me a question, all right.

Mr. MASON. I desire to ask the Senator a question, if it does not interrupt him.

Mr. MORGAN. Well, what is it?

Mr. MASON. The question is simply a mere matter of practice or law. Do you state that under the resolution by which we took possession of the island of Cuba any commissioner of the United States or the United States itself can grant a perpetual franchise that will be binding upon the people of Cuba?

Mr. MORGAN. Not at all. But there are franchises which the President of the United States can confer upon them, and which

nobody else can confer. This franchise includes all those privileges, rights, opportunities, or whatever they may be, that will—

Mr. MASON. As I understand the amendment, it only seeks to make the limitation up to the time we part with the island of Cuba. What objection can there be to it?

Mr. MORGAN. That is very true, but my argument refers to the time, method, and manner of parting with Cuba, the way of getting rid of it and getting this authority out of our hands, which in its character now is military, and getting it into the hands of civil power.

Mr. MASON. As I understand the amendment offered by the Senator from Ohio, he only seeks that there shall be a limitation which shall expire with our parting with the military title of Cuba. Do you seek anything different from that?

Mr. MORGAN. I think I do. I think I see enough in the meaning of the word "franchise" to put us in a very bad position.

Mr. MASON. I simply wanted to understand the Senator.

Mr. MORGAN. I think it would put us in a very doubtful attitude on this question, and I say it is premature. We recognize the fact that in the island of Cuba there are quite a number of people who are more anxious to cut each other's throats than they are to do any benefit to mankind.

Mr. MASON. Do you mean among the major-generals or the brigadier-generals in our Army?

Mr. MORGAN. I am talking about those members who often are talking in assemblies. What is the assembly called there? I forget now.

Mr. MASON. You mean Cubans and not Americans?

Mr. MORGAN. I mean Cubans and Spaniards. I passed through this, Mr. President. It is not a strange sensation or experience, either, to me. I have seen the time when my State was required to give obedience to military rule, and that when a war was not prevalent in the United States—when it had been closed; but it was a necessary movement.

It was necessary in order to keep men from doing violence to each other. It is the hardest task we have, and about the only one we have in Cuba to-day, to prevent those men from cutting each other's throats, resulting from the difficulties that occurred during the war. It is the natural state of the human mind after a great war is over to seek vengeance, and we are there not only as peacemakers, but we are going to have peace there if we have to fight for it.

Mr. MASON. You are going to have peace if you have to fight for it?

Mr. MORGAN. Yes; we are going to compel it. We do not intend to permit, and we can not decently and with self-respect permit, any of those men to cut each other's throats in that country and destroy property and the like of that while we are exercising territorial dominion there.

Now, that being so, we had better let this matter alone and let the President of the United States go on and exercise his proper power under the laws of the United States, for those are the laws that regulate his conduct there. I grant you the Constitution of the United States restrains him, because he is an officer of our Government, but the basis of legal procedure that the President of the United States is authorized to act upon in Cuba are the laws of nations, and under the laws of nations he has got the right as the Commander in Chief there of the military forces of occu-

pation to prescribe the methods and the instrumentalities through which civil law shall be administered.

Mr. CAFFERY. Will the Senator from Alabama permit me to ask a question?

Mr. MORGAN. Certainly.

Mr. CAFFERY. I understand the Senator from Alabama to say that the United States have military occupancy of the country.

Mr. MORGAN. We all know that.

Mr. CAFFERY. And I know you all know it. I say I understand you to say so.

Mr. MORGAN. I do say so.

Mr. CAFFERY. I want to know from the Senator whether that military occupancy gives the United States the sovereignty over the island?

Mr. MORGAN. Now we have got to the old debating-society question about what is sovereignty, how it is to be divided up, and how many different elements exist in sovereignty.

Mr. CAFFERY. I do not ask about what sovereignty is, but who has the sovereignty?

Mr. MORGAN. It is the power of ruling without appeal. That is the sovereignty. That man or that body of men who have the power to rule without the right of appeal from that authority to some other power is sovereign. He may be a military sovereign or he may be a civil sovereign. The sovereignty of the United States is existent in the island of Cuba to-day, and it has a representative there in the major-general who is in command particularly; but the flag that floats there signifies the supremacy of the Government of the United States over any other government that is in Cuba, or that ever has been there.

That is our situation in regard to the matter of sovereignty. Whether we can define it or not, we have an emblem there that expresses it. That flag expresses the whole thing. Under that flag General Brooke commands in a military way, and he does what you did with us in the South. He employs the civil establishment in that country for the purpose of preserving peace, law, order, property, life, and liberty to the extent that it is granted to the people there, and it is a perfectly just thing in him to do it.

It is sanctioned by all the international law and sanctioned also by our example through many years here, while the controversy waxed so warm as that men could scarcely contain themselves when talking about it on this floor and out amongst the people. But now the sovereign power is there; I do not care whether you call it military power or civil power; it makes no difference what you call it. The right of rule without appeal is there, and that is in the hands of the United States.

Now, we want to get rid of it. We assumed it for a certain definite, fixed, and announced purpose. We have never in the slightest degree cast a suspicion upon our purpose and intention of carrying it into honest and sincere effect and operation, and the quicker we can do it the better for all concerned. But it is dangerous to do it to-day. When the assembly of Cuba makes a question with General Gomez about his receiving through the United States, if you please, \$3,000,000 to be paid into the hands of the Cuban soldiery through the United States instead of receiving it directly and in virtue of their own right out of the treasury of Cuba—when they make a question of that kind with General Gomez and get into a great tumult about it, almost as bad as the French Assembly, and when things of that sort go on in

Cuba, we had better take a firm stand here and not make bows and coupees to them, and say to them: "Obedience to the law is the first duty you have got to learn, and until you have done that and have accomplished it to such a satisfactory extent that we can see the life, liberty, and property of Spaniards, negroes, or anybody else reasonably safe in Cuba we are going to hold our dominion over you."

Now, I do not care about entering into definitions or distinctions or finespun theories about this business. It is the practical, everyday duty, and I want the President of the United States to have, unabridged by the action of Congress, all the power that he possesses under the laws of nations, to rule in that land until we get ready to turn the authority over to those people. I think the amendment is unfortunate in having the word "franchise" in it.

Mr. PLATT of Connecticut. Mr. President, what is the necessity for this action by Congress? If I believed that there was any disposition or intention on the part of the Administration, or anybody connected with it, to issue or grant any corporate privileges in Cuba I would vote for this amendment. But, Mr. President, I do not believe it. Everything that has been done by this Administration and by anyone connected with the Administration from the time we began military occupation in Cuba to this time disproves any insinuation that there is any such intention.

Now, Mr. President, a resolution was sent to the War Department to know whether any corporate privileges or concessions had been granted. The reply to that resolution was that there had been none. There has been an order issued by the War Department to the authorities in Cuba directing that there shall be none granted, and I think I am justified in saying that there is no intention of granting any by the President, by the Secretary of War, by the advisory board, or by any persons in authority in Cuba.

That being the case, we are asked, on the authority of an irresponsible newspaper statement, to gravely pass an act here that no one shall have authority to do that. There would be just as much propriety in putting on at the end of this bill a provision that no officer should squander any of the money which is appropriated in the bill. To pass an amendment of this sort is a direct charge or an insinuation that somebody intends to do it, and therefore I propose to vote against it.

Mr. FORAKER. Mr. President, there seems to be an undue sensitiveness about this amendment, and running through all these speeches there is an intimation that something is insinuated which is of a character that will reflect upon somebody by the mere offering of it.

Mr. President, I disclaim any such intention. We have a right, it seems to me, to speak upon such a subject as this without having any improper motive attributed to us. I resent the insinuation that there is any improper motive to be attributed. As a full justification of the action of presenting the amendment I call attention again to the newspaper article that has already been put in the Record, and I desire to read very briefly from it.

It will show that this action is not premature, as was said by the Senator from Alabama, and it will show conclusively that those having authority with respect to Cuba have expressed an intention to grant franchises in that island. There is not any question about the truthfulness of this statement. Nobody ever denied anything contained herein. This is only one, as I said a

while ago, of a number of statements and a number of interviews. What I shall read in a moment comes from an interview with the president of this advisory board. He states here all the duties of that board, and I do not know where else to learn them. You can not go to any statute and find what are the duties of that board.

There is no statute by which that board is created expressly. There is no statute defining the power of that board. It is a board appointed by the President in the exercise of the power belonging to him while a military occupation is being maintained in these various islands. It is a board not appointed by him with the advice and consent of the Senate. We know of its existence, we know of its power only as the board itself has seen fit to proclaim it. Now, here is what the president of this board says. I submit it is sufficient to show that this legislation is not premature and not without excuse, if it be at all appropriate legislation.

Mr. SPOONER. What is the date of that article?

Mr. FORAKER. The 10th day of February. It came out in the paper just about the time, I think, that the answer was made to the resolution which was passed by the Senate asking for information on this subject. I do not remember that the answer to that resolution went any further than simply to say that no franchises have been granted heretofore. I did not know that anybody claimed that any had been.

The question is not as to the past, Mr. President, but it is as to the future. When we find those exercising authority by appointment of the President proclaiming their intention in this regard, it is time for the Senate of the United States, and the Congress of the United States, to express an opinion on the subject, if it have any opinion to express.

Here let me call attention to the fact that we have been invited by the President himself to legislate in regard to this matter. In his Boston speech he announced not only to the Congress of the United States, but to the whole country, that the responsibilities of the war were now to pass to Congress; that it was for Congress to say what should be done in those islands. He shifted from himself all responsibility in regard to them. It seems to me, therefore, if a question arise with respect to any one of those islands and we want to express a policy in regard thereto, it is certainly our right to do so without having somebody impute to us a motive that is offensive.

Mr. HALE. Is the Senator so innocent that he supposes because of general declarations all of the subject of these outlying cessions are to be left to Congress, there is to be any legislation to that end? Does he not know that while that has been the general declaration, whenever any attempt is made for action on the part of Congress, it is opposed and contravened and stifled?

Mr. FORAKER. I do not know to what particular attempt the Senator from Maine refers. I do know, however, that when this matter is proposed there is opposition. I do not see why there should be. But now let me read from the article.

Mr. HALE. Let me say to the Senator that I am surprised he does not see the programme is the other way: that there is to be no act on the part of Congress; that Congress is to adjourn and let every attempt which has been made to make a declaration of policy by Congress be opposed and thwarted and destroyed.

Mr. FORAKER. I did not expect to have occasion to go so far

as that, and I should very much regret to think that there is a disposition on the part of the Administration to prevent Congress announcing a policy with respect to these islands.

Now, Mr. President, let me not be diverted from reading here as a justification for the offering of this amendment further from the interview.

The scope of their inquiry—

Speaking of this board—

comprehends all matters referred to them by the Secretary of War for investigation and recommendation. Only subjects related to civic administration.

I call the attention of the Senator from Alabama to that—

Only subjects related to civic administration will be considered and the board will not touch upon anything relating to the military. These include questions concerning the judiciary, the assessment and collection of taxes, the granting of patents, the sale or gift of franchises, either local or inter-provincial.

Now stop and think, Mr. President, what is meant by an "inter-provincial" franchise. It means the granting of a franchise to build a railroad or some other kind of highway, I imagine, across that island; and if so, then I am opposed to the United States entering into any such business in the island of Cuba, where our occupation is to be temporary.

Mr. MORGAN. The Senator is not reading from his amendment, but he is reading from a newspaper.

Mr. FORAKER. I suppose I have a right to read what I see fit to read.

Mr. MORGAN. All right. But when you come to inform the Senate on the question as to what your amendment means, the newspaper article will not furnish the explanation.

Mr. FORAKER. No; I am not talking about that. I am to be the judge as to what I shall say in my remarks to the Senate. I am speaking now, not of my amendment, but I am speaking for myself; and I am undertaking to speak to the Senate upon that which moved me to offer the amendment, in answer to the claim of the Senator from Alabama that it is premature and uncalled for.

Mr. MORGAN. As to being a judge, we are all judges for that matter, and we are judging the Senator's amendment, not by a newspaper statement, but from what the Senator says.

Mr. FORAKER. The Senator declined to permit me to interrupt him a moment ago unless I should confine myself to a simple inquiry. I did not want to take very much of his time, but only wanted to call attention to this, and he would not give me the opportunity, and so I want to do it now:

Local or inter-provincial—

Now, listen—

railway grants, street-car line concessions, electric light, and other municipal monopolies.

In other words, if that kind of a programme is to be entered upon, it means that the United States will not get out of Cuba in a hundred years.

Mr. HALE. Of course it will not.

Mr. FORAKER. And never will get out of Cuba. I hope, for one, to see the United States withdraw from that occupation and let the people of that island establish an independent government of their own, as we have promised, and I hope it can be done at no distant day.

Now, further this interview says:

At present we are called the advisory board, but I believe that in time some more suitable designation will be found.

"In time." How much time? This year or next year? This is the president of the board who speaks. Is he not one in authority?

We are expecting—

Now listen to this—

We are expecting to be joined at once by Mr. Curtis, the new appointee, and then we will organize and perfect the details of our work. We are hunting for a Spanish-speaking clerk to act as translator, but we find it hard to accomplish. I do not know how large a force of clerks will accompany us.

This is to Cuba. He made that statement before starting to Cuba:

The start will be made soon, within a week or ten days. We will go direct to Havana in order to avoid the peaky season. Then we will visit every port, large city, and province on the island.

I have read enough to show his declaration as to the power his board is to exercise. Are we not entitled, Mr. President—

Mr. MASON. What is the title of the board?

Mr. FORAKER. The "advisory board," he says they are called now, but sometime in the future he hopes to get some other name which will be more suitable.

Mr. STEWART. Who is the president of the board?

Mr. FORAKER. The president of the board is Gen. Robert P. Kennedy, of Ohio, a man of intelligence, selected by the President to be the presiding officer of this board. Is he not to be presumed to understand the powers which the President wants him to exercise?

Mr. PLATT of Connecticut. I am sorry to hear the Senator from Ohio say that the president of that board is a man of intelligence after he reads that statement, if it be true that it is an interview with him.

Mr. FORAKER. Well, Mr. President, I do not mean to criticize General Kennedy. I assume that he was speaking according to his instructions, and for that reason I do not think there is anything to justify what the Senator from Connecticut has said. General Kennedy certainly understands, or should understand, what he has been chosen to do.

Now, listen further as to the character of these franchises. He says:

Very many applications have been referred to us by Secretary Alger and Assistant Secretary Meiklejohn, and not a few calls have been made by applicants in person. A few requests for grants of franchises and concessions are from American syndicates, but the majority are from corporations already established on the island. Nothing will be done with any of these until we have gone over the ground and carefully looked into the advantages or disadvantages of each.

There is an officer of the Government—I suppose he is an officer, and that he has taken an oath, and no doubt is drawing a salary and has all the muniments of office. There is the president of this board telling us that the board at an early day is to start to Cuba and these various islands.

I am told by the Senator from Iowa [Mr. GEAR] who sits near me that the board has already gone. I do not know whether that is the case or not, but I have a right to assume, when we read this in the newspapers and see no contradict on of it, that the board is expected to exercise the character of power here described, and that the board is at an early day to set about doing it.

I desire to protest against it, and I think the effective way of protesting against it is to legislate against it; to legislate that we

do not want the granting of any franchises, either interprovincial or otherwise, in the island of Cuba. We want to pacify the island, then recognize a government established by the people of that island, and then bring our troops home; and the quicker we can do it the better I think it will be for us, and the better for the island, too.

Mr. LODGE. Mr. President —

Mr. FORAKER. Mr. President, one word further, and then I will yield with pleasure to the Senator from Massachusetts.

The Senator from Alabama made a strong point in definition to show that the word "franchise" was so broad that it might prevent the conferring of the elective franchise. I do not know that that is contemplated. But however that may be, all the difficulties suggested by the Senator from Alabama on account of his definition of the word "franchise" can be obviated by putting one word in this amendment, as he will agree with me, and that is by saying "property franchises or concessions." I will ask consent to put in this amendment before the word "franchises," the word "property." Then it will read "property franchises."

The VICE-PRESIDENT. The amendment of the Senator from Ohio will be modified in the manner suggested by him.

Mr. LODGE. Mr. President, I did not intend to say a single word in regard to this amendment. I intended simply to vote for it; but I must decline to be put in the position in which I think the Senator from Connecticut puts those of us who support the amendment. I can not see that that amendment reflects on any human being. We are told that no franchises have been given, and none are to be given. Very well; then we are carrying out in a statute the declared policy already agreed upon.

Mr. President, it seems to me of the last importance that Congress should say by statute and say to all the world, that while we are holding these islands by military authority, we are not going to have them exploited for commercial purposes. I do not believe in hampering the President in the slightest way, either in the military or the political department with which he is engaged.

I should object very much at this time, on our insufficient knowledge, to interfere with him; but the story has gone abroad from the interview, which has been read here, with the chairman of the advisory commission, from which it appears that men are running eagerly forward to get franchises in Cuba. If the country is still in that unsettled condition, as I believe it is, and it is necessary to maintain military rule there, it is not in a fit condition for a board or a commission or anybody else to enter upon the granting of franchises.

I want, Mr. President, above all things, that whatever islands we hold or whatever islands we part with, when we start the government of those islands we shall be free, absolutely free, from the slightest suspicion even that there is jobbery or corruption or that we are trying to get into those islands to exploit for the benefit of individuals or of corporations. It will be time enough when Congress is thoroughly informed to make suitable laws in the islands which we retain for the establishment of corporations and the granting of franchises. It is not the time to do it now.

I believe, Mr. President, that we are carrying out the policy of the Administration, that we are strengthening the hands of the Department and of the President, when we put firmly into the statute law the declaration that there shall be no granting of commercial franchises and concessions until a legally ordered govern-

ment, a constitutional government, either under our auspices or the auspices of the people themselves, is established in Cuba or in any other island that has passed into our hands.

I want to see this amendment go upon the bill, because I want to say plainly to all the world and to all speculators and to all adventurers who are trying to get concessions or franchises there that that business is not going on while we hold military authority: that it is not to be done until those people have a legal, constitutional, and proper government. I think that is a just and a righteous action for the United States to take.

I object, Mr. President, to having it suggested that those of us who believe in the establishment of this policy are therefore opposing the Administration. Who is there here that says we are opposing the policy of the Administration because we forbid franchises and concessions to be granted by commissions or by the military authority?

We are told in one and the same breath that that is the precise policy of the Administration, and yet that it is a reflection upon somebody because we embodied that policy in a statute. That is just the place it ought to be, Mr. President—in a statute—so there can be no question anywhere as to the attitude of the United States—not merely as to the attitude of the Administration, but as to the attitude of Congress, which has its own responsibility in these matters, and which is just as much entitled to have its opinion on a case like this as anyone else, and it is as important to deal with that now as it is, in my judgment, to leave to the President absolute freedom in all military and political matters.

Mr. FRYE. I yielded the right of way on the conference report on the river and harbor bill in order that two bills, the deficiency and the Army appropriation bills, might be disposed of. Now, it is working along into the night, and the river and harbor conference report is a very long one. If there is any desire on the part of the Senate that the river and harbor bill shall become a law, I trust there will be no more debate on these amendments.

Mr. SPOONER. I want to say only a word. It is difficult for me to see the theory upon which this amendment is either proposed or defended. Our occupation of Cuba is, of course, a temporary occupation. No one has any warrant for the assumption, I think, that it is intended to be otherwise than a temporary occupation. It is a military occupation. It is an occupation from the standpoint of duty in time of war.

The Senator from Alabama [Mr. MORGAN] stated the law as it undoubtedly is when he said that all the power which the President of the United States has in Cuba to-day is a power which he does not derive from Congress, but which he derives from the Constitution, which declares him Commander in Chief, and his power as Commander in Chief he obtains from the laws of war.

We can not legislate for Cuba. Even if the treaty with Spain were ratified Cuba could not be legislated for by Congress. The sovereignty of Cuba is not proposed to be ceded to the United States. The only power we have there is military power, which, under the declaration of Congress, no man can or will dare to turn his back upon, nor will Congress turn its back upon it, for it would be dishonoring the military power of the United States in that island.

The President does not derive, as I said before, his power as a military commander from Congress, nor can Congress take away from him any of the powers which, as Commander in Chief

under the laws of war in time of war, he is entitled to exercise. There may be franchises, I do not know but franchises essentially of a temporary kind, to be exercised under the control of the military power, which might be of interest to the health of the community.

I can imagine a variety of circumstances under which a mere temporary grant of franchise under military control ought to be granted, but I have not heard it contended here, though I suppose it will be, that it is in the power of a military commander there, or in the power of the President of the United States, as the Commander in Chief, deriving his only power in Cuba from the laws of war to grant any property franchise which will outlive our occupation.

The President speaks for himself better than anyone else can speak for him. It is not an entirely dignified thing for Congress to gravely and deliberately legislate upon a newspaper interview. It has not been the habit of Congress; and while I do not challenge in the slightest degree the purpose of the Senator from Ohio [Mr. FOSYKER], I do think that the adoption of this amendment costs inferentially an imputation upon the President, not from anything said in advocacy of it, but from the amendment itself.

The President has been quite careful to look after the future interests of the people of Cuba so far as franchises are concerned. There is a legislative body, so called, in Cuba under a law of which there was an advertisement for the sale of franchises. The President stopped it. We find in an order signed by him, addressed to General Wade, under date of December 12, 1898, this language

It is manifest that a power which has just so long unopposed, and which it may be presumed to exercise with impunity of the local population of the island by all the Spanish franchise holders, as it does, the granting of franchises of ownership, rights, and the attempt to commit the future government of the island of Cuba to very heavy taxes imposed upon the way of interest guarantees, can not be permitted to be exercised without impairing very seriously the interests of the people and government of the island of Cuba, for which, at the present time, the United States stands practically in the relation of a trustee.

In that the President repudiates the idea that there is legislative power there, that there is any government there, which has the power to grant property franchises. He further says:

It can not be permitted that the persons nominally representing the remnants of Spanish government there shall in this manner sell the franchises of the country and commit the future government of the island to obligations of such importance.

So in the interest of that people he puts his foot promptly upon the attempt of an alleged local government in Cuba to complicate the future of that island, its government, its people, and its interests by the granting, during our military occupation there, of property franchises.

Mr. CAFFERY. Does not that paper say that the franchises are to be given, or to be offered, by the representatives of the Spanish Government?

Mr. SPOONER. They claimed to do that, and the President stopped it.

Mr. CAFFERY. And not by the Cuban government?

Mr. SPOONER. Not by any Cuban government or any other government. This was attempted to be done within two days of the final evacuation of Cuba by Spain, and it is hardly to be supposed that the President of the United States, caring for the in-

terests of that people in that way, protecting them, as he properly did, against the attempt of the Spanish representatives in a so-called government, would complicate the future of the island by any improvident granting of franchises, or would allow the military commanders of the United States to do that if they had the power, which they have not.

Mr. TELLER. Will the Senator allow me to call his attention to the order issued by the President on the 22d day of December with reference to this matter? He has it in the document from which he is reading, I have no doubt.

Mr. SPOONER. Yes.

Mr. TELLER. That certainly authorizes the municipalities to grant franchises, with the approval of the commanding officer in Cuba and the Secretary of War.

Mr. SPOONER. Not until submitted to the Secretary of War or submitted to the President.

Mr. TELLER. Yes.

Mr. SPOONER. I suppose my friend does not claim that the President or any military commander could grant franchises which would outlive our military occupation?

Mr. TELLER. That is a very grave question. I think such franchises could outlive our military occupation. I do not think there is any question about that.

Mr. CHILTON. I wish to call the Senator's attention to the New Orleans case on that point.

Mr. TELLER. In that case it was held that a military commander could make a franchise without limit, if I remember.

Mr. FORAKER. I so understand.

Mr. CHILTON. That is a very grave question. I think such franchises could outlive our military occupation. I do not think there is any question about that.

Mr. TELLER. It is not an absolutely analogous case to this on the principle laid down.

Mr. FORAKER. No.

Mr. CHILTON. In the New Orleans case a military commander had granted a franchise for ten years, and it was held that that franchise was valid on the theory that his power was not absolutely limited to the military occupation, but that he had a right to a reasonable exercise of his power. So it was held that that was a reasonable exercise of the power at that time.

Mr. SPOONER. That was as to a part of our own country—

Mr. CHILTON. I understand that.

Mr. SPOONER. As to which this Government had a right to legislate, and over which it had jurisdiction.

Mr. CHILTON. I think we can legislate in this case so far as our military commanders are concerned.

Mr. MASON. Mr. President, I think the statement made by the Senator from Texas is correct, following the statement made by the Senator from Minnesota some days ago, that a franchise may be granted which extends beyond the military occupation. I will say to the Senator, with all due respect to his judgment as a lawyer, that that is the law. That is the reason for the offering of this amendment. If there was no intention to extend any franchise beyond our military occupation, what objection can there be to the amendment?

The junior Senator from Massachusetts has stated it correctly. What sense is there, what common honesty is there, in our people occupying the island of Cuba and selling franchises, according to the statement made by Mr. Kennedy, the chairman of this special commission, to pass upon the street car and electric lights, etc.?

If it is not the intention, he can not object; if it is the intention, we ought to object.

I am very much pleased with the statement by the junior Senator from Massachusetts that the passage of this resolution is not intended to offend, and can not offend, the President of the United States. One of the favorite arguments of distinguished gentlemen on this floor when they want to defeat a bill is to say: "If you pass this bill, you offend the President;" and the next Senator who speaks will say: "If you defeat this bill, you offend the President."

Mr. SPOONER. I have not said that.

Mr. MASON. I beg the Senator's pardon. I had not referred to the Senator from Wisconsin, except when I replied to his suggestion as a lawyer.

I say this is the law, and I say I believe you will admit it to be the law that, following the decision in the New Orleans case referred to by the Senator from Texas a month ago and by the Senator from Minnesota a few days ago—the decision of our own courts—that franchises granted during military occupation would be continuing franchises.

Mr. President, I am for this amendment. I had not intended to take a moment of the time of this body at this late hour. A Senator near me suggests that he wishes that I would not. I will say to him I am sorry I have to do so. I am exceedingly sorry at this hour that we have to resort to law lectures. I say now I am for the amendment because we have no right to traffic in the franchises of these people.

The streets of their cities, as well as the rivers and hills of their country, belong to them, and we have no right to grant franchises for street cars or railroads, steam or electric, no right to grant franchises for gas companies, no right to traffic in the future of those people; but, following the suggestion of the junior Senator from Massachusetts, we ought to offer them a free country, including their soil, and including everything that God Almighty has left within their reach, and including franchises to use their streets, the right to vendemia, the right to use and exercise the law of condemnation.

Mr. President, I have no desire to discuss this amendment further, unless it becomes absolutely necessary, in order to enlighten these people who are so very anxious to leave these questions to Mr. Kennedy and his board, the appointing of which did not excite the most profound confidence among the people. There was no occasion for the appointment.

General Meyer had conducted his office like an honest man; and when the clouds shall have rolled away, it will be shown to the people of this country that he has been clean handed, not only in the administration of the War Department, but that he has never attempted to grant franchises, and he has never, in his Department, attempted to impose anything improper on the people in Cuba. When this distinguished gentleman, Mr. Kennedy, states that franchises are to be granted for street cars and steam car lines and lines of electric cars he offends the good judgment and common sense, not only of the Administration, but of the people of this country.

Mr. SEWELL. I hope we shall have an opportunity of passing the Army bill in the course of the next few hours.

The VICE-PRESIDENT. The amendment of the Senator from

Ohio [Mr. FORAKER] is before the Senate. The question is on the amendment.

Mr. MILLS. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. WETMORE]. I suggest to the Senator from Massachusetts [Mr. LODGE], who is paired with my colleague [Mr. CLAY], that we exchange our pairs, so that he and I may vote.

Mr. LODGE. That will be agreeable to me.

Mr. BACON. I vote "yea."

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY]. If he were present, I should vote "yea."

Mr. GEAR (when his name was called). I am paired with the Senator from New Jersey [Mr. SMITH]. If he were present, I should vote "yea."

Mr. BERRY (when the name of Mr. JONES of Arkansas was called). My colleague is absent on account of illness. He is generally paired with the Senator from Maine [Mr. HALE]. If my colleague were present, he would vote "yea."

Mr. KENNEY (when his name was called). I announce my pair with the junior Senator from Pennsylvania [Mr. PENROSE], who is absent from the Chamber. I therefore withhold my vote. Were he present, I should vote "yea."

Mr. McLAURIN (when his name was called). I again announce my pair with the Senator from North Carolina [Mr. PRITCHARD].

Mr. MASON (when his name was called). The pair I have already announced, my regular pair with the Senator from Mississippi [Mr. SULLIVAN], still continues, but I have a special agreement with him that I may vote on this question. I will therefore vote. I vote "yea."

Mr. MONEY (when his name was called). I am paired with the senior Senator from Oregon [Mr. McBRIDE]. If he were present, I should vote "yea." I do not know that I am at liberty to vote in his absence. If any gentleman can tell me, one of his neighbors, how he would vote, I shall be glad to know. If not, I withhold my vote.

The roll call was concluded.

Mr. MONEY. I understand that the Senator from Arkansas [Mr. JONES] is generally paired with the Senator from Maine [Mr. HALE], who votes "yea," and the Senator from Arkansas would vote "yea" if present. I transfer my pair and will vote. I vote "yea." I desire to state that my colleague [Mr. SULLIVAN], who is unavoidably absent, would, if present, vote "yea." He releases his pair.

Mr. PASCO. I am paired with the Senator from Washington [Mr. WILSON]. I transfer my pair to the Senator from Utah [Mr. CANNON], and will vote. I vote "yea."

Mr. KENNEY. I am informed that the junior Senator from Pennsylvania [Mr. PENROSE], if present, would vote "yea." I will therefore vote. I vote "yea."

Mr. CLARK. I am informed that the Senator from Kansas [Mr. HARRIS], if present, would vote "yea." I will therefore vote. I vote "yea."

Mr. BACON (after having voted in the affirmative). Since announcing the transfer of my pair, my colleague has voted. Therefore I will have to withdraw my vote, the junior Senator from Rhode Island not being thus protected.

Mr. FORAKER—The Senator from California [Mr. WHITE] is unavoidably detained from the Chamber, and I was requested to announce that if he were present he would vote "yea."

The result was announced—yeas 47; nays 11; as follows:

YEAS—47.

Allen,	Foraker	Martin,	Rawlins,
Bate,	Gallego	Mason,	Rush,
Berry,	Geown,	Mills,	Simon,
Brewer,	Hale,	Moskell,	Stewart,
Chaffey,	Hambrough,	Munsey,	Teller,
Chandler,	Holtzath,	Murphy,	Thurston,
Clanton,	Howe,	Paw,	Tilden,
Cook,	Evans,	Peckham,	Turley,
Cox,	Landon,	Parkerson,	Turner,
Cookwell,	Logan,	Payson,	Warren,
Dawson,	Maillet,	Prentiss,	Wellington
Davis,	Mahall,	Quay,	

NAYS—11.

Allison,	Burns,	Platt, Conn.	Sewell,
Fairbanks,	Hawley,	Platt, N. Y.	Spooler
Frye,	Morgan,	Ross,	

NOT VOTING—22.

Albright,	Elkins,	M. Wells,	Smith,
Benson,	Fulaker,	M. Fisher,	Sullivan,
Baker,	Gray,	M. Johnson,	Tarble,
Barrons,	Gray,	McMillan,	Vest,
Clifton,	Harris,	Newton,	Wentworth,
Clifton,	Jones, Ark.	Payson,	White,
Cullum,	Jones, Nev.	Prentiss,	Wilson,
Dolan,	Kyle,	Shoup,	Wright

So the amendment proposed by Mr. FORAKER was agreed to.

ADDRESS

of

HON. J. B. FORAKER,

at

Clyde, Ohio, May 11, 1899,

on the occasion of the
funeral obsequies of

George Burton Meek.



GEORGE BURTON MEEK,
of Clyde, Ohio.

Killed in battle on the deck of the United States Torpedo
Boat "Winslow," at Cardenas, Cuba,
May 11, 1898.

Address of

HON. J. B. FORAKER,

At Clyde, Ohio, May 11, 1899,

on the occasion of the funeral
obsequies of

GEORGE BURTON MEEK.

FELLOW CITIZENS:—This is an impressive occasion. We are here to consign to their last resting place the remains of George Burton Meek. He was one of our country's heroes; a hero not simply because he fell in battle, but because also of the manly and heroic qualities he evinced throughout his life.

His record is short, but exemplary and inspiring. It reads as follows:

"He was the son of J. F. and Hattie Meek, and was born in Riley Township, Sandusky County, Ohio, March 6, 1873. When he was four years old his parents moved to Townsend Township. His mother died when he was eight years old. He lived in Townsend Township until he was 18 years of age, with the exception of one year spent in Hardin County, Ohio.

"At the age of 18 he went to Cleveland, Ohio, and from there to Erie, Pa., where he worked for the Erie Transportation Company, until January, 1892. From Erie he went to Conneaut, Ohio, where he worked in the Nickel Plate Shops until April, when he returned to Erie, Pa., and enlisted on the U. S. S. Michigan, May 4, 1892, for a term of one year as a landsman.

"In March, 1893, he was one of a party sent to assist in arranging the Naval Exhibit at the Columbian Exposition. While there he was honorably discharged, May 4, 1893, and on May 6,

he went to work for the Electric Launch and Navigation Company, serving as a pilot for that company until November 1, the close of the Exposition.

"From here he went to New York to enlist on the U. S. S. New York, but failing on account of his weight, he returned to Chicago and re-enlisted on the U. S. S. Michigan for a term of three years. At the expiration of this time he was again honorably discharged at Erie, Pa., in November, 1896. He then came to Clyde, Ohio, and spent a few weeks with relatives and friends.

"He then went to New York and enlisted December 19, 1896, on the United States Monitor Puritan for a term of three years. He served on this ship until December 17, 1897, when he was transferred to the U. S. S. Franklin. He served on this ship until January 4, 1898, when he was again transferred to the United States Torpedo Boat Winslow, where he served until May 11, 1898, when he was killed in battle at Cardenas, Cuba."

One of his neighbors has written of him that "He was a man of good character, who always bore a good reputation in the community where he lived."

His commander at the battle in which he lost his life wrote his bereaved father of his service and character in the navy, and of the circumstances of his death, this touching and beautiful tribute:

Navy Department, Bureau of Ordnance,
Washington, D. C., April 2, 1899.

J. F. MEEK, Esq., Arcanary, Ohio.—Sir: I have the honor to acknowledge the receipt of your letter of March 23, which I now lay before me, and which I shall endeavor to answer to the best of my ability.

Your son was one of the best and most efficient men of the Winslow's crew, and had served on board that vessel from the beginning of the war. He had won the esteem of all his superiors—officers and men, for his possession of all the best attributes of a true seaman—energy, skill, courage, and consideration for others; was ever ready to bear his share, and more than his share, of the arduous work of a cruise in war-time; and was distinguished for his general excellent conduct and military bearing.

"Your son died at his post in battle in the performance of his duty. When the forward boiler and engine of the Winslow had been wrecked by the shells of the enemy, I sent him and others of the crew stationed in that part of the vessel, on deck, as I deemed them safer there than below, close to the machinery. He with four others were standing in a group at work preparing

a hawser for use as a line in towing, when a shell, striking the deck at a small angle, exploded, killing them all. He died at my side, within half an hour afterwards, while in the care of the surgeon; and in the boat which, at the close of the fight, had been summoned from another vessel to remove the injured.

"All men, after a brief period of life, are summoned to meet their Maker; and there are many ways of dying. I can not conceive of any more glorious death than that which has fallen to the lot of your son, who has been chosen by the Almighty to die for his country. Very respectfully yours,

"JOHN B. BERNADOU, Lieutenant U. S. Navy.
"Late Commanding U. S. Torpedo Boat Winslow."

These testimonials show him personally worthy of the high honor of this occasion. But good as he was, brave as he was, gentle and noble as he was, it is not because of these qualities alone that the multitudes throng this place to-day. His virtues were such that his memory is a precious legacy to all his family and friends. And they and all who mourn his loss as a personal bereavement are to be congratulated that they have so much to be thankful for, and to incite their just pride, as they recall the sacrifice of his young life. Only time and our heavenly Father can assuage their grief. It is natural, therefore, that they should be here. But there are hundreds present to-day who never knew this young man in life; hundreds who never heard of him until he was dead. Why have they come to stand by his open grave and participate in these mournful obsequies?

They are here because this hero was their hero. They are here because the cause for which he fought and died was their cause, and the cause of our common country. They are here to honor not only the dead, but also the cause he represented, by showing their appreciation and gratitude for the service and sacrifice of their representative. This is therefore an appropriate occasion to inquire, What was that cause? Was it worthy? and is it meet and fitting that we should make this demonstration?

War is always to be deplored and always to be avoided when it can be avoided consistently with national honor, national dignity and national interests. But there come times in the life of a nation when a resort to arms is unavoidable. The war with Spain

was, on our part, such a case. It has been said that it was unnecessary; that it was at least premature. It was neither. On the contrary, it was no more to be escaped than was the providence of God; and instead of being premature, it ought to have commenced a year before it did; and, better still, twenty-five years before it did, when the captain and crew of the *Virginus* were put to death.

To comprehend and appreciate our action with respect to Cuba we must recall our peculiar relations to that island. It not only lies at our door, but it is under our special protection.

In 1823 President Monroe announced the Monroe Doctrine. The precipitating cause thereof was the Holy Alliance formed for the purpose of restoring the authority of Spain over the South American republics which had achieved their independence. This doctrine was right; but whether right or not, it was accepted and approved by the American people, and became a firmly established policy of the American nation.

It declared, among other things, that while we would not interfere with existing conditions, we would never allow the establishment of any additional monarchical governments on the Western Hemisphere, nor allow those already established to oppress any of the people over whom they ruled, nor would we allow any European monarchy to interfere or intermeddle with the affairs of any people on this side of the Atlantic Ocean.

This left Cuba subject to Spain, but was notice to her that she should not oppressively and tyrannously govern the people of Cuba, and it was also notice to other European powers that, except Spain and ourselves, nobody else should have anything to do with the affairs of that island; that no matter how bad the situation there might become, we would assume and discharge all the responsibility that could arise to any third party. For England, or Germany, or France, or Russia to intervene to restore order in that island when there might be disorder, would be an act of hostility toward us which we would resent. This doctrine was founded on the law of self-preservation; upon the idea that we had a right to prevent the establishment near us, or the encroachment upon us, of governments and institutions hostile

in their nature to us. In a number of instances we have found it necessary to assert and enforce this doctrine. Notably, when Maximilian undertook to establish a monarchial government in Mexico, and quite recently against Great Britain in the controversy she had with respect to the territory of Venezuela.

The result of all this was that we not only had the right which belongs to a neighboring nation to take note of what was occurring in Cuba, but it was our duty, if anything occurred there which called for the intervention of a third power, to be that intervening power. For these reasons we were not indifferent, and had no right to be, to the manner in which Spain ruled that colony. We had no right to prescribe the form or general character of the government she might maintain there, but we had a right to insist that the government she provided, whatever might be its nature or form, should be a civilized and humane government; that it should not be so tyrannous and cruel as to be unbearable, and that if it should be, and insurrection and rebellion followed, the efforts to suppress that insurrection and rebellion should not be attended with brutal horrors that would shock all Christendom; the pitiless murder of non-combatants and the starvation by hundreds of thousands of innocent men, women and children. We had a further right and duty to protect our own citizens and our own interests. These are the high purposes for which governments are formed.

Such being our rights and duties, what occurred? The story is long and dark and bloody. It makes one of the blackest pages in human history. I shall not stop to specify. It is sufficient to say the people of that island were denied all voice in their government. They were excessively taxed; they were denied the most common privileges; they were ruled with the harshness of mediæval tyranny. For generations they were required to make bricks without straw. They submitted as long as they could. When they could endure no longer, they rebelled. Their cause was just; a hundred times more so than the cause of our own fathers of the American Revolution. They sought only to govern themselves. Their cause was the cause of liberty, of freedom, of independence.

The conflict soon disclosed that they were overmatched, but unconquerable. From the beginning Spain disregarded the law of civilized warfare. All captives, as a rule, were brutally butchered, non-combatants were also put to the sword; she wrought devastation and ruin on every hand.

Finally she put the whole civilized world to shame by deliberately undertaking to starve and thus exterminate the entire Cuban population. Old men, women and children who had committed no offense against anybody were forcibly gathered by thousands from their homes into reconcentration camps, as they were called, and there kept until, according to conservative estimates, more than 400,000 perished from hunger and want. In all the history of the world no such startling, shocking, brutal, heartless, wholesale wickedness was ever known. Alva in the Netherlands was surpassed by Weyler in Cuba.

Knowing the justness of their cause, the sympathies of the American people went out to the struggling Cubans from the beginning of their contest, but when these unspeakable horrors were enacted, the whole nation perceived that the solemn duty was upon us to put a stop to such cruelties and barbarities. Accordingly, the President remonstrated and protested and demanded, but although some promises were secured, no material reform was instituted. The savage war went on with all its savage ferocity. The whole world stood aghast. War was so undesirable to the American people, given up as they were to the pursuits of peace, that the nation hesitated to take positive action, until finally the destruction of the *Maine* precipitated a conflict that was inevitable. In no spirit, however, of anger or revenge; in no spirit of conquest, not for territorial acquisitions; not for martial honor or glory, but solely for humanity's sake this great people, with singular unanimity, then declared that Spain had forfeited her right of sovereignty over that people and must withdraw her army and navy from Cuba and Cuban waters and allow her suffering subjects to go free. Had she complied with that demand, that would have been the end of the trouble, for our purpose went no further. Had she contented herself with simply resisting, our operations would have been confined to that one

island, but the God of Battles decreed otherwise. The Great Ruler of men and nations had wider and nobler duties for us than any of which we had dreamed. Not only in Cuba, but in Porto Rico and the Philippines also there were shackles to break. Spain refused to abandon Cuba, and answered our demand with a declaration of war. We could not escape the issue so tendered, and thus became involved not only Cuba, but all the Spanish possessions.

All thinking men must have known from the beginning what the ultimate general result would be. With such a cause, this country, with its boundless resources of wealth and patriotic and heroic sons, was the inevitable victor; but the most sanguine could not have foreseen the brilliant chapter of events that followed. We had been so long at peace that many feared our army and navy had forgotten the art of war, and that we might have no commanders equal to the emergency, but all these misgivings were speedily dispelled. On land and on sea our arms won imperishable renown. The "men behind the guns," and the "men who followed the flag," quickly demonstrated that they were heroes worthy of the best days of the Republic, and to the long list of commanders were added the names of the incomparable Dewey and a score of others scarce less dear to the American heart. Manila and Santiago are names that will forever stir the American blood. From the opening gun down to the last shot that has been fired in the Philippines, we have met with uninterrupted success.

Cuba is free, and in the near future her people will govern themselves.

Porto Rico has passed from the yoke of bondage to the blessings of free and enlightened government.

In the Philippines we have had unexpected and deplorable experiences, the cause for which this is not the time nor the place to discuss, but in the end, not far distant I trust, that people will know that a great work has been wrought for them, and that this nation is there not to oppress, but to uplift them, and to sustain them in their efforts and aspirations for liberty, independence and self-government.

I speak with this detail of the origin, character and results of the war, not only to justify our action, but also that it may be made plain that he whom we honor to-day not only died fighting for his country, but fighting for humanity, truth, justice, liberty—for all that could ennoble death. His life was short, but it was not lived in vain. It is a part of one of the most brilliant chapters of this country's history. His death was indeed sad, but it was sanctified and made glorious by the cause in which he fell, and the triumphant victories with which it is inseparably connected.

We give him to-day his place in this cemetery near by the gallant soldier who fell at the head of his army in the shock of battle before Atlanta. If the great McPherson could speak, he would tell us there should be no distinctions of rank in the claims of those who die for the flag, upon the country's gratitude. All any one can do is his duty. He who does that gives all any one can give—and whether he be the titled commander or the humble follower, his service is complete and his honor is full. Side by side, then, let these heroes sleep in this henceforth doubly honored spot. In life they represented the rank and the file, the army and the navy, the land and the sea. In death they proclaim a heroism and valor, suffering and sacrifice, liberty and independence, that have wrought a national life fraught with unspeakable blessings for us and all the millions beyond the seas upon whom our influences are to fall. The one represents a union preserved, a constitution perfected, a race emancipated and enfranchised; the other typifies a reunion of sections, an expansion of power and spheres of influence, a plane of action as high and broad as humanity itself, and a future for the American people greater and grander in honor and good works than any language can describe. The work of the one prepared the way for the work of the other, and the deeds of the last are the fitting supplement to the deeds of the first. We may with propriety apply to them the beautiful words of the poet, who, singing of other heroes, said:

"Ye whom these words can not reach with their transient breath,
 Deaf ears that are stopped with the brown dust of death,
 Blind eyes that are dark to your own deathless glory,
 Silenced hearts that are heedless to the praise murmured o'er ye,
 Sleep deep, sleep in peace, sleep in memory ever ;
 Wrapped each soul in the deeds of its own deathless endeavor,
 Till that great, final peace shall be struck through the world,
 Till the stars be recalled and the firmament furled."

So much for the dead. Let me now speak of the living. We have new questions to meet, new responsibilities to bear, and new duties to discharge. Since the organization of our government until now, more than a century, we have been steadily multiplying our wealth and population. During this period we have extended our territory until the thirteen original States, with an area of something like 800,000 square miles, have grown to forty-five States, with an area, including our territories, of more than three and a half millions of square miles. We have 70,000,000 of people, and more than \$70,000,000,000 of property. This growth has been so wonderful, and has so absorbed attention, that the fact has been lost sight of by most people that during this same period we have had a corresponding growth in the development of our institutions and the establishment of the constitutional powers of our government. Of course, except only as it has been amended, our constitution is the same to-day that it was on the day of its adoption, and the powers conferred by it on the day of its adoption were as great as those same powers are to-day ; but at the beginning all questions that arose were open to discussion, and scarcely any important power of the government was conceded. The power to make internal improvements, to levy taxes, to lay imposts, to protect our industries and labor, to acquire territory, to govern it, to create and admit new States, to abolish slavery, to protect our own citizens ; yea, even the power to preserve our own constitution and maintain our existence and national life—all these powers, and many others, essential to complete sovereignty, have been at one time and another denied, assailed and made the subject of bitter controversy ; but finally, in the onward sweep of time and events, it has been irrevocably settled that our government possesses and can exercise all of them as occasion may require. The century

that has just passed has been replete, therefore, not only with material development and moral and intellectual uplifting, but also with the development and strengthening of our national unity and power. In consequence, we stand to-day "like a strong man rejoicing to run a race." Heretofore it has been our great first purpose to develop our own resources, multiply our industries, employ our labor and supply our own wants, to the end that we might become independent so far as possible in a commercial as well as political sense. The pre-eminent success of this policy is demonstrated by the fact that to-day we not only thoroughly supply our own markets, practically barring out everybody else, as to all those commodities which we can and should produce, but we are in addition manufacturing a large surplus for which we must find markets abroad.

When the Fifty-fifth Congress undertook to frame the Dingley tariff law, it was with great difficulty that enough importations could be found to yield, with reasonable rates, an adequate revenue for the support of the government in time of peace. The trouble was not that our people did not require and use commodities as formerly, but our own home development was such that we ourselves were supplying them, and there was no longer need to buy from abroad. In other words, we have reached the point where we are entirely or at least practically so, supplying our home market, and are manufacturing largely in excess of our own demands. The table of imports and exports for the last fiscal year shows that we sold to other countries twice as much as we bought from them. The aggregate of our exportations and sales amounted to \$1,210,291,913, while the total bought and imported was about \$616,049,654. No nation since the beginning of time has ever enjoyed so stupendous a prosperity as these figures indicate, and no nation was ever blessed with such human activity as is now found in all departments of American industry. New mines, and mills, and factories are multiplying on every hand. The demand for labor, and especially skilled labor, is the greatest that has ever been known. In consequence wages are advancing and employment is within the reach of all who are willing to work. If we would have this happy condition con-

time, we must recognize the radical world changes that have been occurring, and meet their requirements. The time was when we looked only to the East, across the Atlantic, to Europe, for all great influences affecting our material prosperity. We must now look also in the opposite direction. We can sell, and will largely, of our surplus products to European countries, but in doing so we must meet the fiercest competition it is possible to encounter, and be subject to many disadvantages. Those countries are hives of industry. Their aim is, and ever will be, to supply themselves, and in a large measure they will always accomplish that purpose. They will not buy from us except only to meet their deficiencies, which will always be as small as they can make them, and much too small to absorb our surplus. Our interests compel us, therefore, to look in another direction, and as it is with us, so too is it with them. The fact that we supply our own wants so fully has compelled them to look beyond us for their markets of the future, as we are looking beyond them. And so it is that we are all looking in the same direction—to the far East. All recognize that on the Pacific and in the Oriental seas will be found for the next generation a steady and rapidly augmenting commerce of the world. China is just now the center of most interest. With her population of four hundred millions she offers a market that is coveted by all the nations, and most of them are striving to secure it. France, Germany and Russia are foremost in pressing for advantage. It would be an injustice, little short of criminal, to the farmers and laborers of America for this government to neglect to secure our fair share of this coming trade. It is not, therefore, a vanity, to be dismissed with the cry of imperialism or militarism, but a duty, for us in every legitimate and consistent way to extend our influence and power in that quarter of the globe.

It is with an eye single to this great, patriotic, American purpose that President McKinley is seeking to uphold the advantages that the war brought us in this regard. There are differences of opinion as to what should be done in this behalf, but I believe the best judgment of the best men of this nation without regard to party affiliations or political differences will

uphold a policy that involves so vitally the welfare of the American people. In the presence of this great question past political differences will be largely disregarded, and the men of the South and the men of the North will stand shoulder to shoulder for our common cause, as Ensign Bagley, of North Carolina, and George Burton Meek, of Ohio, stood shoulder to shoulder on the deck of the Winslow, and as the men from all the States, without regard to sections, stood shoulder to shoulder at Santiago and Manila, in Cuba, and in the Philippines. It is no time now to inquire whether all was done that could have been, or should have been done to avoid the unhappy war in which we have been engaged with the insurgent Filipinos. It is enough to know that the tortures of war took us to those islands, and that when peace came we could not in justice or honor return them to Spain, or leave them to be parcelled out by land grabbing powers, or, worse still, leave them in a state of anarchy. Our presence there was lawful, and our purposes were of most exalted character. Whether the difficulties we are having could have been avoided, matters not now; while our flag and our soldiers are under fire they must have our unqualified and unbounded support. When peace comes, as it doubtless soon will, then, in a spirit of justice to all interests involved, the American people, through their President and representatives in Congress, will determine what shall be our relations to these peoples and these islands. It is my hope and dream that the bitterness engendered by this strife may pass away, and that this country may become and remain the protecting power and dominating influence, applying and extending the blessings of good government until the inhabitants of those islands may be capable of governing themselves, and enter into the enjoyment of that independence for which they have so bravely striven.

The success of such a policy means not only the highest good to the people of those islands, but also the highest good to our own people. We shall be thus given a base of operations and a place among other nations that will enable us to command equal opportunity to share in the trade and commerce so essential to the continued growth and prosperity of our country. While,

therefore, we would never have gone there with the sword for such a purpose, yet, being there, it is our lawful right and moral duty to stay, both for the good we shall do to others and the good we shall do to ourselves.

The hand of God is plainly in it all. Under His guidance and protection we have grown strong by the multiplication of our people and wealth, and strong also by the development of our governmental powers. We are now singularly well equipped for the highest duties of national life. Think you these rich blessings have been given us only for luxurious enjoyment? Not so! They come charged with obligations. We are not free to hide our talent in a napkin, but rather let us, with that dignified self-reliance that becomes a country conscious of its power and duty, proclaim, by our action, that, "with malice toward none, with charity for all," we intend to go unflinching forward to the fulfillment of our manifest destiny.

ADDRESS
of
HON. J. B. FORAKER
at
Fort Thomas, Kentucky,
JULY 1, 1899,
on the occasion of the unveiling of
THE MEMORIAL TABLETS
erected in honor of the officers
and men of
The Sixth Regiment of U. S. Infantry
who fell at San Juan, Cuba,
July 1, 1898, and
Brigadier-General Harry C. Egbert
killed in battle near Manila, Philippine
Islands.

FELLOW CITIZENS: The Sixth Regiment of United States Infantry was organized in 1808. It had been continuously in the service a period of ninety years when the Spanish-American War commenced. It already had a long, eventful and brilliant history. It had served in the War of 1812 with Great Britain, in the Florida Wars, in the war with Mexico, and throughout the Civil War of 1861-65, and had seen all kinds of service on the frontiers, fighting Indians, marching, scouting and doing garrison duty.

Its service in Mexico was especially distinguished. It participated in all of the important battles leading up to the capture of the City of Mexico. Cerro Gordo, Contreras, Churubusco, Chapultepec and Molino del Rey are all inscribed on its banner. Some idea of the severity of the engagements through which it

passed is given by the fact that in these battles its flag was pierced by Mexican bullets forty five times.

In the Civil War it was equally distinguished. Gaines Mill, Malvern Hill, second Bull Run, Fredericksburg, Antietam, Chancellorsville and Gettysburg were among the bloodiest and most important conflicts of that great struggle, and the Sixth was engaged in all of them.

On its roster are borne many names of officers who are illustrious in our country's history. Zachary Taylor was at one time its Colonel. Winfield Scott Hancock served with it in Mexico as a Second Lieutenant and Adjutant. Major General Alexander McDowell McCook was at one time proud to be its commander, as was also Major General William B. Hazen, the hero of Fort McAlister, and one of the most trusted officers of Sherman's army. Among the names of its Lieutenant Colonels are found those of General John B. Wood and our own beloved and lamented Harry C. Eghert, whose gentle memory lingers with us all like a sweet perfume.

Some of the most honored names identified with the Confederate Army are found in its list of officers. Albert Sidney Johnston, Simon Bolivar Buckner, Lewis A. Armistead, Richard B. Garnett and Henry Heth are names dear to every lover of the "Lost Cause," because of their faithful, valorous and brilliant services in its behalf. When, therefore, the recent war commenced this regiment had a place and a record in the annals of our country already bright with men and deeds; it had brilliant and distinguished names on its roster, and the luster and renown of many heroic battles to give it pride and inspiration; it had a glorious past to protect and emulate. In these respects it had all the highest incentives of duty, but those who knew it best had yet other assurances. It had been for a long time quartered at this Post; it had been largely recruited from this vicinity; its men were our sons; we knew their antecedents, their good character, their splendid physical condition and their well nigh perfect discipline. Their camp had been a model; their drill had been

constant, careful and thorough. It is enough to say they were prepared for the work that was before them.

Not least among the compensations of that war was the knowledge it brought home to the American people of the true character of the American army and the American navy.

We had been so long at peace that we had almost forgotten that we had either; but while we had been absorbed with the pursuits of commerce and trade, those to whom this duty had fallen had been intelligently laboring with the utmost zeal and fidelity, and, as the result showed when their work was put to the test, with the highest possible success.

The regular army of the United States in April, 1898, was small in numbers, but it was the equal in every essential quality of any army of like size that was ever marshaled by this or any other country. For more than a decade the standard of admission to enlistment had been so high that no man could be accepted, even as a private soldier, who was not of good moral character, of approved intelligence, and of perfectly sound physical condition. Of the officers it is enough to say that they were selected from the old Union army for special fitness and worth, or were graduates of the military academy at West Point, a school without a superior among its kind in all the world. When they were mobilized for Cuba they were, from General Miles, their gallant and veteran commander, who had brought them to their high state of efficiency, down to the humblest private soldier, an army of athletes, inspired, like the Crusaders of old, with a zeal for their cause which nothing less noble than intelligent love of liberty and human kind could impart.

The Sixth came up to all the requirements of this incomparable force.

To Colonel Cochran, who was unable to go to the field, too much credit can not be given for his tireless work in making the regiment what it was. Its work at the front is a splendid testimonial to the worth of his services as its commander. We knew and appreciated all this, and, therefore, when

his men marched away—our hearts naturally went with them, to be grieved by their losses, but confidently expecting to be filled with pride and admiration by the heroism and valor they would display. We were not disappointed, our expectations were more than realized. Where all did so nobly it would be invidious to particularize, but it is only repeating history to say that greater gallantry, more distinguished bravery or more heroic fidelity to duty was never evinced on field of battle than was shown by this regiment at San Juan and Santiago. Without going into details, it is sufficient to say it was at the very forefront of the fight, and that its percentage of casualties was the greatest sustained by any regiment engaged in the battle. Colonel Egbert, who commanded it until severely wounded, himself a soldier of the Civil War and a hero of many of its greatest battles, says in his official report: "They" (the men of the Sixth) "acted from the first to the last of this trying day like veterans of many battles."

Officers and men fought with a steady and determined valor worthy of their country and race. The regiment took into action four hundred and sixty-three officers and men, and its loss was eleven officers and one hundred and fourteen men." He then adds: "Again referring to the officers of this regiment who fell in this action—Captain Alexander M. Wetherell, First Lieutenant Julius G. Ord, Second Lieutenant Reuben S. Turman and Second Lieutenant Edmund M. Benchley—it would seem to me a benefit to the country if a fitting monument could be erected in memory of their valor and that of the officers and men of other organizations."

Our Government may never act upon this recommendation. In such matters it seldom does what it should; but already on this, the first anniversary of their sacrifice, loving friends and patriotic citizens who appreciate their services and cherish their memory, have assembled here at the most fitting place in all the country, at their last soldier home, to formally present and dedicate yonder beautiful tablet to the high purpose of commemorating not only their names and deeds, but those also of all their comrades who fell and sleep with them.

But, alas! already in the list of our heroes dead is written also the name of their gallant commander, who, little foreseeing what was so soon to occur to him, bespoke for them this evidence of the country's gratitude, and most fittingly he, too, is this day remembered with a tablet of his own. Even before his wound was healed Colonel Egbert, although deservedly promoted to be a Brigadier General of United States Volunteers, was ordered to report for duty in the far-away Philippines as Colonel and commander of the Twenty-second United States Infantry. He was not in proper physical condition to go, but his unconquerable spirit and soldierly pride were stronger than his sense of duty to himself, and without hesitation he started for that new field, where, almost as soon as he arrived, he fell in battle at the head of his command.

There is something miserably incongruous in the fact that he should have survived his wound from the Spaniards at Santiago, received while fighting for the liberty and independence of the Cubans, only to be hurried around the globe, there to receive a mortal stroke from the poor Filipinos, who at least imagine that they are fighting for their liberty and independence. But in it all he had no choice. It was with him as with the Light Brigade:

"Theirs not to make reply;
Theirs not to reason why;
Theirs but to do and die."

He obeyed and fell; and as it was with him, so is it with all these dead. They lived and died true soldiers, and we honor ourselves in honoring them.

We are here, however, to honor them, not alone for their physical courage. That quality is not exceptional; it has been common to all nations, in all ages. The Greeks, the Romans and the savage hordes of barbarians they conquered, were equally brave, so far as disregard of personal safety was concerned; and as it was in ancient times, so it is in these modern days. Even the Filipinos seem not afraid to go to battle and death, though all the odds are against them. What more pathetic, and at the

same time more magnificent, than the sight recently witnessed at Manila, when the half-civilized and more than half-naked insurgents of Aguinaldo, armed with only bows and arrows and long spears, undertook to stand before the Krag Jorgensen rifles and the thirteen-inch guns of civilization and "benevolent assimilation"!

But of no people is heroism a more common attribute than of the American. From Bunker Hill to the jungles of the Orient, whenever or wherever the flag has been unfurled, on land or on sea, there have been followers ready to do and die for its honor and supremacy. Our history is an uninterrupted story of bravery, gallantry and ever increasing glory. Mere bravery, therefore, does not excite exceptional honor.

This extraordinary occasion had a wider significance. It looks beyond tests of daring and comprehends the cause with which they were identified, and measures the results of the blood that has been shed. It raises the inquiry, Did these men fight and fall in a just or unjust cause?

Speaking on this point, I recently had occasion to say that, "To comprehend and appreciate our action with respect to Cuba, we must recall our peculiar relation to that island. It not only lies at our door, but it is under our special protection."

In 1823 President Monroe announced the Monroe Doctrine. The precipitating cause therefor was the Holy Alliance formed for the purpose of restoring the authority of Spain over the South American republics, which had achieved their independence. This doctrine was right, but whether right or not, it was accepted and approved by the American people, and became a firmly established policy of the American nation.

It declared, among other things, that, while we would not interfere with existing conditions, we would never allow the establishment of any additional monarchical governments on the Western hemisphere, nor allow those already established to oppress any of the people over which they ruled, nor would we allow any European monarchy to interfere or intermeddle with the affairs of any people on this side of the Atlantic Ocean.

This left Cuba subject to Spain, but was notice to her that she should not oppressively and tyrannously govern the people of Cuba, and it was also notice to other European powers that, except Spain and ourselves, nobody else should have anything to do with the affairs of that island; that no matter how bad the situation there might become, we would assume and discharge all the responsibility that could arise to any third party; for England, or Germany, or France, or Russia to intervene to restore order in that island when there might be disorder would be an act of hostility toward us which we would resent.

This doctrine was founded on the law of self-preservation, upon the idea that we had a right to prevent the establishment near us, or the encroachment upon us, of governments and institutions hostile in their nature to us. In a number of instances we have found it necessary to assert and enforce this doctrine, notably when Maximilian undertook to establish a monarchical government in Mexico, and quite recently against Great Britain in the controversy she had with respect to the territory of Venezuela.

The result of all this was that we not only had the right which belongs to a neighboring nation to take note of what was occurring in Cuba, but it was our duty, if anything occurred there which called for the intervention of a third power, to be that intervening power. For these reasons we were not indifferent, and had no right to be, to the manner in which Spain ruled that colony.

We had no right to prescribe the form or general character of the government she might maintain there, but we had a right to insist that the government she provided, whatever might be its nature or form, should be a civilized and humane government; that it should not be so tyrannous and cruel as to be unbearable, and that if it should be, and insurrection and rebellion followed, the efforts to suppress that insurrection and rebellion should not be attended with brutal horrors that would shock all Christendom; the pitiless murder of non-combatants and the starvation by hundreds of thousands of innocent men, women and children. We had a further right and duty to protect our

own citizens and our own interests. These are the high purposes for which governments are formed.

Such being our rights and duties, what occurred? The story is long, and dark, and bloody. It makes one of the blackest pages in human history. I shall not stop to specify. It is sufficient to say the people of that island were denied all voice in their government. They were excessively taxed; they were denied the most common privileges; they were ruled with the harshness of medieval tyranny. For generations they were required to make bricks without straw. They submitted as long as they could. When they could endure no longer they rebelled. Their cause was just, a hundred times more so than the cause of our own fathers of the American Revolution. They sought only to govern themselves. Their cause was the cause of liberty, of freedom, of independence.

The conflict soon disclosed that they were overmatched, but unconquerable. From the beginning Spain disregarded the law of civilized warfare. All captives, as a rule, were brutally butchered; non-combatants were also put to the sword; she wrought devastation and ruin on every hand.

Finally she put the whole civilized world to shame by deliberately undertaking to starve, and thus exterminate, the entire Cuban population. Old men, women and children, who had committed no offense against anybody, were forcibly gathered by thousands from their homes into reconcentration camps, as they were called, and there kept until, according to conservative estimates, more than four hundred thousand perished from hunger and want. In all the history of the world no such startling, shocking, brutal, heartless, wholesale wickedness was ever known.

Knowing the justness of their cause, the sympathies of the American people went out to the struggling Cubans from the beginning of their contest; but when these unspeakable horrors were enacted, the whole nation perceived that the solemn duty was upon us to put a stop to such cruelties and barbarities. Accordingly, the President remonstrated and protested and

demand, but, although some promises were secured, no material reform was instituted. The savage war went on with all its savage ferocity. The whole world stood aghast. War was so undesirable to the American people, given up, as they were, to the pursuits of peace, that the nation hesitated to take positive action, until finally the destruction of the *Maine* precipitated a conflict that was inevitable. In no spirit, however, of anger or revenge, in no spirit of conquest, not for territorial acquisitions, not for martial honor or glory, but solely for humanity's sake, this great people, with singular unanimity, then declared that Spain had forfeited her right of sovereignty over that people, and must withdraw her army and navy from Cuba and Cuban waters and allow her suffering subjects to go free. Had she complied with that demand, that would have been the end of the trouble, for our purpose went no further. Had she contented herself with simply resisting, our operations would have been confined to that one island; but the God of battles decreed otherwise.

The Great Ruler of men and nations had wider and nobler duties for us than any of which we had dreamed. Not only in Cuba, but in Porto Rico and the Philippines also, there were shackles to break. Spain refused to abandon Cuba, and answered our demand with a declaration of war. We could not escape the issue so tendered, and thus became involved not only Cuba, but all the Spanish possessions."

Not only did we thus become involved in war for the sake of humanity, but in advance we solemnly disclaimed "any disposition or intention to exercise sovereignty, jurisdiction or control over said island, except for the pacification thereof," and asserted our determination "when that is accomplished to leave the government and control of the island to its people."

Our action could not have been either more grave or more unselfish. It involved the expulsion from this hemisphere of the Spaniard who discovered it. It meant the recognition and establishment of a new people, with our guarantee of the right and ultimate enjoyment of free self-government. It involved the risk of complications with other European powers, all of

which, except only England, regarded our step with unfeignedness. No one could foretell the measure of the difficulties we would encounter or the burdens we would have to bear, and yet, when the die was finally cast, we did not hesitate either to go forward or to debit ourselves in advance from all advantage that might arise from the results of the struggle.

We must go back three hundred years in the world's history to find anything like a parallel case.

When Queen Elizabeth responded to the appeals of the United Netherlands she restored the sovereignty they tendered and, resuming their wrongs and grievances, the deprivation of their liberties and the exactions and persecutions to which they had been subjected, made proclamation to all Europe that she intended to, and *there*, concluding with this declaration: "We mean not hereby to make particular profit to ourself and our people, only desiring to obtain, by God's favor, for the Countries & deliverance of them from war by the Spaniards and foreigners, with a resignation of their ancient liberties and government."

This intervention was like ours in Cuba, induced by cruelty and persecutions of almost intolerable character. It was by the Anglo-Saxon against the Spaniard, who appears as murderer in the person of Weyler as he was in the person of Alva. For commercial reasons it was delayed by Elizabeth long after all England felt it to be her duty to interfere, just as, for similar considerations, our action with respect to Cuba was postponed. But finally there came, in the assassination of William of Orange, a great precipitating cause by which all quibbling and halting was swept aside, and the nation spoke out for liberty and humanity with a voice that even a Queen on her throne could not disregard; just as in our case the destruction of the Maine stirred our people to their depths, and raised a storm of indignant sentiment that no Administration could withstand.

The Queen stopped measuring the injury to trade, the cost of armies, the superior strength and wealth of Spain, then the greatest, richest and most powerful nation of Europe, and thought only of duty and its faithful discharge, no matter what its cost.

might be just as we stopped such heartless and pusillanimous calculations and thought only of duty when our ship and sailors were treacherously sent to the bottom of the sea.

Spain was driven out of the Low Countries, not in one hundred days, as she was driven from Cuba, but only after years of struggle and scores of fierce battles, in which the best blood of England was shed; but notwithstanding all this trial and sacrifice, far beyond what was foreseen, the pledge of England was so religiously kept that when the end came, no one had other thought than for the independence of the Dutch Republic, and its firm establishment and full recognition.

In like manner our pledge must be kept by the prompt establishment and prompt recognition of an independent government for the Republic of Cuba, after which, and not before, we can, with honor, consider the question of annexation. When this is done the work in which these men fell will have been finished, and they will be identified with one of the brightest and most important chapters in the world's history.

For while the war was short, yet it was long enough to make a great deal of history. It changed the map of the world. It put the once proud and powerful Spanish nation out of the class of world powers and raised the American nation to that rank.

It won for us the respect and admiration of all mankind. Henceforth, wherever our flag floats, it will be hailed, not only as the symbol of liberty and independence, but also of humanity and power.

It brought England and the United States into the closest friendship and thus prepared these two nations to stand together, as they must, in that great rivalry between Slav and Saxon that is to determine in the near future the supremacy of trade and commerce in the Orient.

It helped us at home as well as abroad. The South feels at home again in the Union; she again feels that our country is her country, our flag her flag, our history her history, our glory her glory, and our destiny her destiny. It was worth all the war cost to see South Carolina and Massachusetts, Virginia and Ohio,

Lee and Grant, Wheeler and Shafter, Union and Confederate, marching and fighting side by side for the Stars and Stripes. To day we have no sections—no North, no South, no East, no West—only one grand America for all Americans.

All honor to those who wrought these great achievements and everlasting homage to the brave men who died for them. May their memory be forever cherished by a grateful people.

It is in this spirit, and to commemorate these priceless results, that the patriotic citizens of these cities have erected these tablets, and it is to these high purposes that we here and now dedicate them. They can do but little for the dead, but for generations to come they will speak words of inspiration to the living. All who will study the messages they bear will learn not only how heroism and valor are appreciated, but also how this nation, in the name of justice and humanity, exalted itself and at the same time set the world an example that will make all mankind better.

In Memoriam

Mrs. Margaret Keece Foraker

1819 = = 1899



MRS. MARGARET REECE FORAKER.

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The
Funeral Obsequies and Memoir
of
Mrs. Margaret Reece Foraker

who passed to her heavenly home, on
Friday, July 28th, at 5 A. M.,
in Hillsboro, O.



CINCINNATI, O.
PRESS OF CURTS & JENNINGS
1899

“Earth’s transitory things decay ;
Its pomp, its pleasures pass away
But the sweet memory of the good
Subsists in the vicissitude.”

ON Sunday, July 30, 1899, the funeral of the eminent saint and noble woman, who passed to her rest two days before at the home of her daughter, Mrs. M. McKeehan, was held in the Methodist Episcopal Church of Hillsboro, O., at 10 A. M. The people attended from all parts of the county, as well as the citizens of Hillsboro, with whom for so many years she had worshiped in the Lord's house. The hymns selected and sung were of her own choosing, and were the same used at the funeral of her lamented husband, Henry S. Foraker, about a year before. They were, first, "Jesus, Lover of my soul;" reading the first part of the thirty-seventh Psalm—which also was her selection—by her pastor, Rev. M. LeSourd. The nineteenth Psalm was read by Rev. M. J. Redkey, of Leesburg. Prayer was offered by Rev. T. H. Pearne, D. D., presiding elder, and formerly Mr. Foraker's pastor. Then the hymn, "It is well with my soul," was sung.

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The following discourse was delivered by Dr. Pearne:

Address by Rev. T. G. Pearne, D. D.

I do not select the following Scripture passages to expound them, but simply as suggesting suitable lines of thought on this occasion. Psalm cxvi, 15: "Precious in the sight of the Lord is the death of his saints." Why is the death of saints precious in God's sight? It is the crowning of a human life, longer or shorter, of devotion to God. It is the flowering of the growing plant of hope in full and endless fruition. It is the grand consummation of all we have desired or wished below. This statement is true of all saints—the older, the younger, the experienced, or the inexperienced. It will always be true, as long as saints live or die, that their deaths are precious in God's sight, for the Lord says so.

Acts xiii, 36: "For David, after he had served his own generation by the will of God, fell on sleep, and he was laid unto his fathers, and saw corruption." David served his own generation. He was a helping factor in his own generation, and among the people of his own day or country. He was all this; and all this he did by the will of God. God wants us to serve our own generation. When we thus serve our own generation we do the will of God. God will make us equal to this high doing. When we have faithfully done God's will by serving our own generation, we shall fall on sleep. God will rock the cradle for our slumber, and we shall be laid unto our fathers,

and we shall see corruption, as our fathers did. Not because we are so good or bad, but because we have done the will of God in serving our own generation. These two passages teach us that God loves us as his saints, both while we are living and when we are dying. He will gather us to our fathers, and while our flesh shall see corruption, yet God will preserve our dead bodies, and, in his own good time, he will raise us up, and our bodies will be fashioned like unto Christ's glorious body.

"My flesh shall slumber in the ground
Till the last trumpet's joyful sound."

While we are living, God loves us as his saints.

"But saints are lovely in his sight;
He views his children with delight;
He sees their hope, he knows their fear,
He looks and loves his image there."

And when we are dying, God loves us, because he says, "Precious in the sight of the Lord is the death of his saints." After God's saints die, he takes care of their bodies. Every good person who lives thus is well pleasing to God. His saints fulfill his high purpose, that the generations of saints shall meet the needs and furnish help to those about them. So Jesus says, "Ye are the salt of the earth." Have salt in yourselves that you may conserve others. Ye are the light of the world. "Let your light so shine before men that they may see your good works, and glorify your Father which is in heaven." And when we shall have accomplished this mission which

God has assigned us, we shall fall on sleep. Death is now represented as a sleep from which God will awaken us in due time. Jesus said of his friend Lazarus, when he knew that he was really dead, "Our friend Lazarus sleepeth." And so the apostle assures us: "Them that sleep in Jesus shall God bring with him." Death is not a grim, fearful specter to frighten us and to hold us in terror. "Death is the gate to endless joy; why should we dread to enter there?"

"It is not death to die,—
 To leave this weary road,
 And, with the brotherhood on high,
 To be at home with God.

It is not death to fear
 The wrench that sets us free
 From dungeon chain, to breathe the air
 Of boundless liberty.

It is not death to fling
 Aside this mortal dust,
 And rise, on strong, exulting wing,
 To live among the just."

There is no person I ever knew, of whom, as to her saintship, I could say so much in approval, and not go beyond due bounds, as I can of Mrs. Foraker. The beautiful biography is classic in its lovely style, and it does not exaggerate our sister's graces. For fourscore years no one could impeach or doubt her sincerity. She was one of the Lord's own saints. In her life he loved her. Her death was precious in his sight. Her life was so pure, so noble, so exalted, she has left the strong impress of her great person-

ality upon all who knew her; upon her many survivors in this community, where she has lived for fourscore years. During that great revival of fifty-eight years ago, she was the first one to separate herself from the world and unite herself to God's people, and two hundred followed her example. Nearly all of her kindred have honored and imitated her faith. Character is not so much attested by years as by deeds and by real moral uprightness. God rewards moral virtue, not so much in proportion to a generation of service for the Master, as according to the measure of honest toil for the Master in saving our own generation.

Mrs. Foraker was such a wife and such a mother, grandmother, and great-grandmother, that in those relations her character shines out in true and grand moral sublimity. Who can tell the strength, depth, and purity of a mother's love? I have known mothers who cheerfully and actually sacrificed their own lives to promote the happiness and preserve the lives of their children.

I can never forget my own dear mother. Her image is always before me. Her example of unselfish, self-sacrificing love for her children has been to me like ointment poured forth. Her sweet, patient, kindly words are ever a precious, abiding memory. The memory of her maternal kiss of approving affection still fascinates and thrills me. Her never-ceasing service and toil for her children can never be forgotten. Her strong, persistent faith that all her children would be gathered into the heavenly fold, was wonderful, and wonderfully answered in the

salvation of all the children. Her very life has been so interwoven with the holiest and sweetest memories of my whole being that I can never be separated from her, in thought and being, forever; and so our dear departed friend, who has so recently been translated, strongly reminds me of the loss I suffered when my mother passed to her endless rest.

When Dorcas died, the survivors who had shared her active sympathy held up the garments she had made for them, and wept aloud at their great loss. Their flowing tears and piteous wail showed the depth and sincerity of their grief. When any one loses such a shining example of helpfulness and service, the loss is irreparable; and such to her seven children and to her numerous grandchildren and great-grandchildren, and also and especially to her spiritual children, has been our beloved mother in Israel for the last threescore years.

Who can tell how far and how happily she has impressed her strong personality upon her children and others, as "a savor of life unto life?" Mrs. Susannah Wesley, the mother of John and Charles Wesley, reared a family of nineteen children to adult years. Not one of them was lacking in strong, manly, and womanly elements of character. When she lay dying she said to her children, "When the breath leaves my body, sing hymns of praise to God for his great mercies to me and to my children." If there is such a thing as moral heredity—and I believe there is, for Paul's description of Timothy's faith and zeal and piety Paul ascribed to the faith of his mother and grandmother—then the significance and

value of Mother Foraker's life are most conspicuous, in their deep import, in the comparison.

The mother of Moses showed the value and power of her training in the culture and achievements of Moses, the organizer and lawgiver of his own people and of all the civilized nations of the world. The mothers of John the Baptist, and John the Divine, and of Washington, Lincoln, Garfield, and Grant, have illustrated the same law of moral heredity.

The contagion of Mrs. Foraker's faith and purpose is seen in the strong hold she has had upon the people of this community and this Church, of which for nearly threescore years she has been an honored member. The deep sense of our loss in her removal is in proof in the same lines. Who can estimate the value of such a personality in any family or Church or community? Her associates and descendants are all the richer, stronger, and better for their great heritage in her noble life. To her numerous relatives and associates she was the prophet and the evangel of unspeakable good. While earth is made poorer by her removal, heaven is all the sweeter, richer, and diviner for her accession to its inhabitants.

The heavenly magnets will draw all the more strongly her true friends and kindred towards the home beyond the stars to which she has ascended. Our loss is her eternal gain. Earth is poorer and heaven is richer by her departure.

“The soul of our sister is gone to heighten the triumphs above,
Exalted to Jesus' throne, embraced in the arms of his love;
With songs let us follow her flight, escaped to the mansions of
light,

And entered the palace of God.”

The poet says :

“O, if my Lord would come and meet,
My soul would stretch her wings in haste,
Fly, fearless, through death’s iron gate,
Nor feel the terrors as she passed.”

But the Lord does come and meet his own. He promised his disciples that he would come and receive them unto himself in the Father’s house of many mansions. That promise he fulfilled to our beloved friend. He came for her. Last Tuesday she was in an ecstasy of rapture, and she praised him and glorified him for his presence and power. When she had accomplished her service of her generation by the will of God, almost literally and really she fell on sleep, so painlessly and quietly was her passage made that it was more like a translation than like death. Beautifully has the poet described the Christian’s triumphant passage hence :

“The deathbed of the just is yet undrawn
By mortal hands; it merits a divine.
Angels should paint it, angels ever there,
There on a post of honor and of joy. . . .
Through nature’s wreck, through vanquished agonies,
What gleams of joy, what more than human peace!
Her comforters she comforts, great in ruins,
With unreluctant grandeur gives, not yields,
Her soul sublime, and closes with her fate.
Her closing hour brings glory to her God;
Man’s glory Heaven vouchsafes to call its own.
We gaze, we weep; mixed tears of grief and joy!
Amazement strikes, devotion bursts to flame!
Christians adore and infidels believe!
Sweet peace and heavenly hope and humble joy
Divinely beam on her exalted soul;
Destruction gilds and crowns her for the skies
With incommunicable luster bright!”

Another poet has described the glory of such a death scene :

“ Vital spark of heavenly flame,
Quit, O quit, this mortal frame ;
Trembling, hoping, lingering, flying,
O the pain, the bliss of dying !
Cease, fond nature, cease thy strife,
And let me languish into life.

Hark ! they whisper ; angels say,
‘ Sister spirit, come away ! ’
What is this absorbs me quite—
Steals my senses, shuts my sight,
Drowns my spirit, draws my breath?—
Tell me, my soul, can this be death?—

The world recedes—it disappears ;
Heaven opens on my eyes ; my ears
With sounds seraphic ring !
Lend, lend your wings, I mount ! I fly !
O Grave, where is thy victory ?
O Death, where is thy sting ? ”

Bishop McKendree, who died early in the century, said to his friends, as the death-dew was resting on his face :

“ What ’s this that steals, that steals upon my frame ?
Is it death ? Is it death ?
If this be death, I soon shall be
From every sin and sorrow free ;
I shall the King of Glory see ;
All is well, all is well ! ”

A ministerial friend of mine lay in a comatose state. Just before his death he became conscious and opened his eyes and said : “ I see a light.” “ What is it like ? ” “ Brighter than ten thousand suns.” “ How large is it ? ” “ Large as eternity.”

He then expired. Our works survive us. "Blessed are the dead who die in the Lord. They rest from their labors, and their works do follow them."

Whittier thus describes this:

"With silence only as their benediction,
 God's angels come;
 Where, in the shadow of a great affliction,
 The soul sits dumb.

Yet would we say, what every heart approveth,
 Our Father's will,
 Calling to Him the dear ones whom He loveth,
 Is mercy still.

Not unto thee or thine the solemn angel
 Hath evil wrought:
 The funeral anthem is a glad evangel—
 The good die not!

God calls our loved ones, but we lose not wholly
 What He hath given,
 They live on earth, in thought and deed, as truly
 As in His heaven.

The resurrection trumpet shall sound, and they that hear shall live.

"Hark! a voice divides the sky,—
 Happy are the faithful dead!
 In the Lord who sweetly die,
 They from all their toils are freed."

Then shall come the final victory.

"Grave, the guardian of our dust,
 Grave, the treasury of the skies,
 Every atom of thy trust
 Rests in hope again to rise:
 Hark! the judgment trumpet calls:
 'Soul, rebuild thy house of clay;
 Immortality thy walls,
 And eternity thy day!'"

It pays to be good. Eternity outmeasures time. "Verily there is a reward for the righteous." God will eternally enrich his saints with that reward. Broken circles shall be reunited. Somehow or somewhere, "Heaven's eternal bliss shall pay for all God's children suffer here."

Christianity is better than infidelity. We shall meet beyond the river. "Not lost, but gone before," are our Christian friends who die.

The loving tribute of a granddaughter next followed. It was read by Rev. M. LeSourd, who had charge of the funeral services:

Tribute by Miss Fannie Foraker McKeehan.

Margaret Reece Foraker, wife of the late Henry S. Foraker, died at the residence of her daughter, Mrs. M. McKeehan, on East Walnut Street, last Friday, July 28th. In the still hours of the morning, just as the day was breaking, she closed her eyes on the long night of life on earth, and opened them upon eternal day in heaven. 'T was the passing away of a saintly soul into the realms of the "great beyond," there to receive the reward of the righteous at the hands of a blessed Redeemer. While death has robbed the many kindred of a kind and loving one, yet 'tis not a time for mourning and weeping, for God had already added to the promised "threescore and ten years" another half score, and in that time so faithfully had her life's work been done, and so complete her mission fulfilled, that it would only

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be selfish to wish to prolong years of trouble and necessary suffering when so great a reward awaited her pure and righteous spirit.

In paying any tribute to her memory, nothing too praiseworthy can be said; for her life was a type of Christian character not commonly found. She was a woman of marked individuality. Broad-minded, clear-sighted, always cheerful, fervent in spirit, serving the Lord; ever ready in times of sickness or death to lend a sympathetic and ministering hand, and always charitable to the poor, her name in the community is a synonym of goodness, so that all people praise her for her good works. Her children, also, rise up and call her blessed. The shining example and precious memory which she leaves them are a greater heritage than wealth can afford.

Margaret Reece Foraker was born at the old Reece Mills, near Rainsboro, Ohio, in the year 1820. Her parents were among the pioneers of this State, having emigrated in the early part of the nineteenth century. She was the fourth child in a family of seven, all of whom, with the exception of two, an elder sister, who died but a few years ago, and one who died in infancy, survived her.

A remarkable incident in this family is the fact that they have all resided within a radius of ten miles of each other, during their entire lives, which has covered, in the youngest, a period of seventy years. Seldom does a family remain so united; and so good and true have their lives been that not the

shadow of a doubt remains, but that they will be a united family in heaven.

On the 28th of March, 1839, Margaret Reece was united in marriage to Henry S. Foraker. A long and unusually happy wedded life was permitted them.

In 1889 they celebrated their golden wedding, and still nine years were added to these.

Eleven children blessed this union, three of whom, with the dear husband, gone but a year hence, awaited her coming in the heavenly home.

In 1841, Margaret Foraker united with the Methodist Episcopal Church, being the first one to offer her heart to God among the two hundred that followed. From that time until her death she never turned from the path of duty, but was always noted for her unswerving faith and fidelity to the cause of Christ. Hers was a service of love and devotion. At all times she had the courage to stand by her convictions.

During the Crusade movement against the liquor-traffic in our town, in 1873, she was one of the active workers. A memorial chair, commemorative of her good works at that time, has been placed in the Crusade Memorial room of the new Presbyterian Church by the loving hands of her sons and daughters.

Many kindred survive her, among whom are twenty-seven grandchildren and eight great-grandchildren.

She died as she had lived, an earnest Christian,

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and when the end came, "it was well with her soul."
"God's finger touched her, and she slept."

"O rest of rest! O peace serene, eternal!
Thou ever livest, Thou changest never;
And in the secret of thy presence dwelleth
Fullness of joy forever and forever."

Words by Rev. W. LeSourd.

Mother Foraker is gone. Last Friday morning, just as the sun was rising over the eastern hills, the light from the Celestial Hill broke on her vision, the dawning of an eternal day.

No sooner had she closed her eyes to the earthly scenes than she opened them to the heavenly. No sooner had she ceased to hear the voices of loved ones around her bedside than she heard the voices from the invisible world, and, above all, the voice of Jesus, saying: "It is enough; come up higher. Well done, good and faithful servant; thou hast been faithful over a few things, I will make thee ruler over many things. Enter thou into the joy of thy Lord."

We are all the creatures of two worlds, and for several weeks Mother Foraker had been thinking of exchanging worlds. During her days of waiting she spent many hours in meditation: looking backward over time, and forward into eternity; looking backward to see how she had lived, and forward to see what awaited her; looking backward to recall the joys and sorrows through which she had passed, and forward to behold the crown and glory.

On this mount betwixt two worlds, in her meditation she could say with Paul: "I am now ready to

be offered, and the time of my departure is at hand. I have fought a good fight, I have finished my course, I have kept the faith: henceforth there is laid up for me a crown of righteousness, which the Lord, the Righteous Judge, shall give me in that day: and not to me only, but unto all them also that love his appearing."

Mother Foraker had a right estimate of life; she knew it to be a battle—a conflict. How often she has sung:

"Are there no foes for me to face?
Must I not stem the flood?
Is this vile world a friend to grace,
To help me on to God?"

Sure I must fight, if I would reign;
Increase my courage, Lord;
I'll bear the toil, endure the pain,
Supported by thy word.

Thy saints in all this glorious war
Shall conquer, though they die:
They see the triumph from afar,
By faith they bring it nigh."

She was a woman of great faith in God and in prayer. A short time before her death, while sitting at her bedside, she told me this incident: "When I was thirty years of age I was very ill, and the physician told a member of the family that I could not recover. As it was whispered from one to another, I overheard it. I looked about on my six children, and then tried to think of some one whom I could trust to care for them and train them for the Lord. I could not think of any one. Then I remembered

Hezekiah, to whom the Lord sent the message by the prophet Isaiah, saying: 'Set thine house in order; for thou shalt die and not live. Then Hezekiah turned his face to the wall and prayed unto the Lord, and said, Remember now, O Lord, I beseech thee, how I have walked before thee in truth, and with a perfect heart, and have done that which is good in thy sight. And Hezekiah wept sore. Then the Lord sent the word to Hezekiah, I have heard thy prayer, I have seen thy tears; behold, I will add to thy days fifteen years.'

"Then," said she, "I turned my face to the wall and prayed and wept, and asked the Lord to let me live thirty years more, until I should be sixty, that I might see my children grown to manhood and womanhood. The Lord heard my prayer and permitted me to train those six children, and gave me five more. He also placed in my care the children of others, and instead of giving me thirty years he has given me fifty." Mother Foraker was quick to perceive duty, and when duty was made plain she never faltered, but was ever true to her convictions; and her influence lives.

As Paul lives in his Epistles, and Robert Raikes in the Sunday-schools; as John Wesley lives in the Methodist Episcopal Church, and Charles Wesley in the hymns we sing,—so Mother Foraker lives in the hearts of this large congregation who have known and loved her.

She was faithful in her home, to her neighbors, and to her Church. She was a great power in prayer. She loved her class-meeting. Only a few days before

her death she told me of her joyful experience the evening before while the Epworth League service was being held. "My soul," she said, "was so filled with the Spirit of God, I shouted his praises. I shouted just as I used to shout in class-meeting."

She greatly enjoyed such songs as "Jesus, Lover of my soul," "It is well with my soul," and "We shall meet beyond the river."

The Word of God, as it was read to her, was manna to her soul. I asked her if the ringing of the church bell, so close to her sick-room, disturbed her. She replied, "No, I love to hear it ring." She had a right estimate of death. It means departure — leaving these earthly scenes and going home to die no more. It means reuniting with loved ones, and enjoying the visible presence of the Savior forever.

As I visited her from time to time, and saw her sitting in an easy-chair or bolstered up in bed, I thought of Dr. Payson, who, near the close of his life, wrote to his sister, in substance: "I am sitting at my window, waiting and watching for the hackman to come. My trunk is packed; everything is ready. The Celestial City is in full view; its breezes fan my cheeks; its music is wafted to my ear.

'I am almost home.'

So Mother Foraker was ready and waiting to depart this life, and longing to be forever with the Lord. She had a right estimate of heaven in this, that heaven has not only fulfilled but surpassed her expectations. The crown and all its glories awaited her. St. John speaks of a Crown of Life; St. Peter

speaks of a Crown of Glory; St. Paul speaks of a Crown of Rejoicing and a Crown of Righteousness. We, in this world, can not fully comprehend what these signify; but we know they are a part of the Christian's inheritance. You may give wings to your imagination in contemplating boundless eternity, undying love, fullness of joy, and the glories of the saints in heaven, and yet you will have in mind but a faint picture of what Sister Foraker possesses to-day.

How comforting the thought that we know where she is gone, and that we, too, know the way, for Jesus says, "I am the Way!"

Shall we meet again? Yes, we will again see each other's face; again clasp each other's hand; again hear each other's voice; again enjoy each other's fellowship.

Mother Foraker was one of the noblest Christian characters I have ever known. May her mantle fall upon many!

"Servant of God, well done!
Thy glorious warfare's past;
The battle's fought, the race is won,
And thou art crowned at last."

From the Woman's Christian Temperance Union.

"These are they who have contended for their Savior's honor long."

By the request of the President, Mrs. Eliza J. Thompson, the Woman's Christian Temperance Union, of Hillsboro, tender a tribute to the memory

of our beloved and faithful member, Mrs. Margaret Reece Foraker, and also extend to the family the sympathy of the Union.

Few appellations of the Woman's Christian Temperance Union are more appreciated than the loving one, "Organized Motherhood." The brave Crusade leaders had a mother heart for humanity, as well as for the members of the tender home circle. They were types of rare, heroic womanhood, who made the most of opportunity; and conscientiously responded to the call twenty-five years ago, and stepped forward from the old Presbyterian Church of Hillsboro, out into the wind and weather of December storms, and, with *prayer* for their weapon, inaugurated the great reform movement which has made Hillsboro known to the world; and Margaret Reece Foraker was a valued and helpful member of the Hillsboro band of Crusaders.

Possessed of vigorous Christian strength, gentleness of heart, and simplicity of character, she bore alike honor and trial with modest composure, and she stood in the Woman's Christian Temperance Union, as elsewhere, an example to be imitated and beloved. She "tested love by the right rule, what it is willing to do for others," and her knot of white ribbon meant human kindness, sympathy, and courage.

The elegant chair given by her sons and daughters, sacred to the memory of Mrs. Foraker, in the Crusade Memorial room of the new Presbyterian Church, will ever be held in grateful appreciation and honor by the society she was ever loyal to.

During Mrs. Foraker's last illness her ripe religious nature had little effort to fasten faith upon "the evidence of things not seen;" and she waited through much suffering patiently and calmly, for "it was well with her soul." Another Crusade leader has gone, but the great work she loved is better for her prayers and loyalty.

“Beautiful twilight at set of sun,
Beautiful goal with race well run,
Beautiful rest with work well done.”





THE GOLD PLANK

Of the National Republican Platform of 1896— The Story of its Adoption.

In *The Metropolitan* for September is an article written by William Eugene Lewis, in which, speaking of Mr. H. H. Kohlsaas, it is stated that

“ Mr. Kohlsaas drafted the gold plank of the Republican platform ” (of 1896) * * * “ Mr. Kohlsaas perceived that the fight would be on finance and nothing could be gained by evasion. He presented the resolution to the committee and insisted upon its incorporation in the platform. He placed strong political friendships in peril, for men as close and even closer to the candidate than he—if any more intimate relations could exist than those between the editor and the candidate—were emphatically of the opinion that it was the part of unwisdom to declare for gold coinage. They were overcome, and the rest is known. The editor had guessed right.”

I have seen substantially this same statement several times repeated, and have never seen any denial of it. Mr. Lewis has no doubt repeated it in perfect good faith, believing, and in the absence of denial he had a right to believe it to be strictly true. Nevertheless it is untrue. Mr. Kohlsaas necessarily knows this, and being the editor of a newspaper has good facilities for contradicting it, but so far as I am aware, he has not done so.

If the subject is worth discussing at all, in the interest of true history, and for fear Mr. Kohlsaas may be misled by apparent acquiescence into the belief that nobody knows any better, and that after all he probably did something of the kind narrated, the truth should be made known by somebody.

I had opportunity to know what occurred and all that occurred before or in connection with the Committee on Resolutions of the Republican National Convention of 1896, for I was not

only a member of the committee, but I was chairman of both the committee that reported the platform and the sub-committee that framed it. I was present and presided at all the meetings of both the committee and sub-committee when the platform or any part of it was under consideration, and necessarily knew everything that transpired. Besides, I have a complete, stenographically kept record of all that occurred, showing all communications to the committee and the sub-committee, and showing the appearance of all persons who came before these committees or either of them, and what they appeared for. There is no mention of Mr. Kohlsaas in the record, and every member of the committee who has any recollection on the subject knows that he never appeared before the committee or the sub-committee in any connection or for any purpose whatever. More than that, so far as I can now recall, his name was never mentioned by any member of either committee in connection with the platform or any proposition in it. There were a great many "financial planks" and resolutions on the "money question" sent to the committee, and brought to the committee, and in one way or another presented to the committee for consideration, but not one was identified in any way whatever with Mr. Kohlsaas, or his name. I have still in my possession every such resolution, all properly labeled, but none of them bears his name or any endorsement that has reference to him. This should be enough to dispose of that part of the statement which credits Mr. Kohlsaas with "presenting the resolution that was adopted to the committee and insisting upon its adoption."

That Mr. Kohlsaas favored some such plank as was adopted I do not doubt, but if so, he was but in harmony with ninety per cent. of the leading Republicans of the country outside of the so-called free silver states; and that he may have at some time, or in some manner, or for somebody else's benefit, prepared a resolution of some kind is probably also true. It would have been strange if he had not, for the preparation of financial planks for that platform was very commonly indulged in shortly before and about the time of the convention by Republicans all over the country. Such resolutions were then being adopted by the different state conventions; they were being discussed by the newspapers and the people generally. Not only those who took an active part in politics, but business and professional men who had

no thought of attending any convention, were giving expression to their ideas and striving to acceptably formulate them. The great number of these resolutions that were sent to the committee, and which I still have in my possession, show all this. They show more than this. They show that outside of the silver states, among the leading Republicans of the country, there was an overwhelming sentiment in favor of an unequivocal declaration in favor of maintaining the existing gold standard and opposing the free and unlimited coinage of silver. Almost every resolution on the subject that came to the committee was, in effect, of this character, though many of them were objectionable because of their prolixity or phraseology.

So that if Mr. Kohlsaet had prepared such a resolution, and presented it to the committee, he would have been only acting in harmony with the leading men of his party all over the country. It is probable, however, that he did find some people "close to the candidate" who were disposed to be more conservative with respect to such a declaration than the Republicans of the country generally were, and it is possible that his controversy with them was such as to strain relations and "imperil political friendships." If so, Mr. Kohlsaet should be allowed full credit for what he may have done in this regard, but to enable us to judge rightly he ought to tell us all about it.

To recur now to the authorship of the plank that was adopted, a few days before I started to St. Louis the Honorable J. K. Richards, now Solicitor General of the United States, then ex-Attorney General of Ohio, and an intimate personal and political friend of President McKinley, called upon me at Cincinnati, coming directly from Canton, where he had been given some resolutions in regard to the money and tariff questions, which had been prepared by the friends of President McKinley and with his approval, and which it was desired I should take charge of in view of my probable membership of the Committee on Resolutions, with a view to having them incorporated in the platform. They have never been out of my possession from then until now, and are as follows :

"The Republican party is unreservedly for sound money. It is unalterably opposed to every effort to debase our currency or disturb our credit. It resumed specie payments in 1879, and since then it has made and kept every dollar as good as gold.

This it will continue to do, maintaining all the money of the United States, whether gold, silver or paper, at par with the best money of the world and up to the standard of the most enlightened governments.

“The Republican party favors the use of silver along with gold to the fullest extent consistent with the maintenance of the parity of the two metals. It would welcome bi-metallism based upon an international ratio, but until that can be secured it is the plain duty of the United States to maintain our present standard, and we are therefore opposed under existing conditions to the free and unlimited coinage of silver at sixteen to one.

“The importance at all times of sound money can not be overstated, but of paramount importance today is the restoration of prosperity through a return to the American policy of protection. Our money today is sound; the people are satisfied with its soundness, but they are not satisfied either with the condition of the country or the condition of the national treasury.

“Unmindful of the lessons of experience, the present Democratic administration inaugurated a policy looking toward ultimate free trade, which has deranged business, depleted our revenues, crippled our industries and dealt labor a serious blow. With deplorable incompetency it has failed to raise revenue enough to run the Government, and has had to borrow, in the last three years, \$200,000,000, mainly to pay ordinary running expenses, selling in secret to favored foreign syndicates the bonds of the Government at prices far below their actual value.

“It is time to return to the policy of better (and happier) days. The Republican party believes that the income of the Government should equal its necessary and proper expenditures. It does not believe in deficits or the issue of interest bearing bonds in time of peace. It believes that our work should be done at home and not abroad, and to that end renews its devotion to the principles of a protective tariff, which, while providing adequate revenue for the uses of the Government, shall restore American wages and American production, and serve the highest interests of American labor and American development.”

When a few days later I went to St. Louis I traveled with the Honorable Charles Emory Smith, now Postmaster-General, and Mr. Murat Halstead. I showed them the resolutions on the train, and we were all of the opinion that, while they contained much that was good, they should be more concise, more explicit, and not seek to make the tariff question “paramount,” and that if adopted they should first be corrected accordingly. Mr. Smith had made a rough draft of the material parts of a platform, including a money plank. He read it to Mr. Halstead and myself, and after going over it we were of the opinion that, reserving the

financial part for further consideration, with very few unimportant changes it would be well to adopt what he had written. His money plank read as follows :

“ Public and private credit, business safety and confidence, the worth of wages and the honor and security of all commercial intercourse depend upon a standard of value and a sound and stable currency. A debasement of the standard and consequent depreciation of the currency destroys faith, robs labor, drives away capital, increases the rates of interest, burdens the borrower, paralyzes enterprise and inflicts incalculable injury upon all except the money changers. Gold, silver and convertible paper, with every dollar of every kind constantly exchangeable and equivalent to every other dollar, constitute our established currency. We favor the use of silver to the extent at which its parity with gold can be maintained ; but we are opposed to the free, unlimited and independent coinage of silver and to any change in the existing gold standard except by international agreement.”

I presented all that he furnished to the sub-committee, and with very slight changes the sub-committee adopted what he wrote until the money plank was reached. In this way it came about that substantially the entire platform down to the money plank was the work of Mr. Smith.

On my arrival at St. Louis I consulted with Senator Hanna and other friends of the President with regard to the financial plank. I explained to them the objections that had been made to the resolutions that had been given me by Mr. Richards, and told them also that there was some objection to the prominence the resolutions gave to bi-metallism. Senator Hanna said they would give the matter further consideration and advise with me later. A day or two afterwards he handed me the following, which was his last expression on the subject before the committee acted, so far as I was informed :

“ The Republican party is unreservedly for sound money. It is unalterably opposed to every effort to debase our currency or disturb our credit. It resumed specie payments in 1879, and since then has made and kept every dollar as good as gold. It will continue to maintain all the money of the United States, whether coin or paper, at par with the best money of the world, and always equal to the standard of its most enlightened governments.

“ It favors the use of as much silver for currency as possible, consistent with maintaining the parity of gold and silver.

“ It would welcome international bi-metallism ; but until an

international agreement as to silver coinage is secured, it is the plain duty of the United States to maintain our present standard; and we are, therefore, under present conditions, opposed to the free and unlimited coinage of silver at sixteen to one.

"The money of the United States in circulation today is absolutely sound. The people are satisfied with its soundness; but they are not satisfied with either the condition of the national treasury or the industrial condition of the country.

"The Treasury of the United States is deficient, except as it is supplied by loans, and the people are suffering because there is scanty demand either for their labor or the products of their labor. Here is the fundamental trouble, the remedy for which is Republican opportunity and duty. We must first of all supply enough money to run the Government and meet its increasing needs. We must stop loans and the issue of interest-bearing bonds to meet the ordinary expenses of the Government, which has inevitably attended the unfortunate tariff policy, adopted by the present administration.

"The income of the Government must equal its necessary and proper expenditures.

"It is another plain duty of the people, and their manifest purpose, from which nothing will divert them, to return to the American policy of protection, which has always encouraged American production and afforded employment to American labor at American wages.

"The Republican party believes that our work should be done at home and not abroad, and to that end renews its devotion to the principles of a protective tariff, which, while supplying adequate revenue for the uses of the Government, promotes and defends American skill and enterprise and gives to labor its highest reward."

These and the Richards resolutions were both framed and submitted by the men "close to the candidate," and it must have been in controversy over them that "the editor placed his strong political friendships in peril," if indeed any such thing occurred at all.

But, however that may be, it will be observed that the "revised edition" differed but very little from the original and that the real objections had not been obviated, from which it follows that the "close friends" were not "overcome," and that "the editor placed his political friendships in peril" without avail instead of successfully.

In addition to the foregoing, as I have already said, many resolutions and suggestions on this subject were sent to the committee. As a sample of them, and to show what the general sentiment was, I quote only a very few.

General Grosvenor submitted the following, which he said he had secured from Senator Sherman as his (Sherman's) idea of what should be adopted :

“We are in favor of sound money composed of gold and silver coins, and of notes of the United States carefully limited in amount redeemable in coin on demand, and of notes of National banks fully secured by bonds of the United States and redeemable in coin on demand at their counters, and that both coin and notes shall be equal in purchasing power, it being the established policy of the United States to maintain the parity of the coins of the two metals upon the legal ratio or such ratio as may be provided by law, and that all paper money, whether issued by the United States or by National banks, shall be of equal value to coin and be redeemable in coin.

“We are unalterably opposed to the free coinage of silver by the mints of the United States for the benefit of and on the demand of the holders of silver bullion. When needed for coinage silver bullion should be bought by the United States at its market value and coined at the legal ratio and maintained as now at par with gold. The wide disparity of the market value of the two metals from the legal ratio of coinage is such that the free coinage of silver for personal profit would demonetize gold, would establish silver bullion as the sole standard of value, impair the obligations of existing contracts, violate the public faith pledged in the bonds of the United States, and would strike a disastrous blow at the purchasing power of the wages of labor and of all the employments of life. We believe that the American people will respond to the demand that our country will keep its faith inviolate, and will co-operate with the principal nations of the world to secure a ratio between silver and gold based upon commercial values.”

At the same time General Grosvenor, to supply an argument in answer to the objections that were being made in some quarters to any declaration favoring international bi-metallism, handed me a copy of the following

Telegram to the Bi-Metallist Meeting in London, 1894:

“We desire to express our cordial sympathy with the movement to promote the restoration of silver by international agreement, in aid of which we understand a meeting is to be held tomorrow, under your Lordship's presidency. We believe that the free coinage of both gold and silver by international agreement at a fixed ratio would secure to mankind the blessings of a sufficient volume of metallic money, and, what is hardly less important, would secure to the world of trade immunity from violent exchange fluctuations. (Signed). John Sherman, William B. Allison, D. W. Voorhees, H. C. Lodge, G. F. Hoar, N. W. Aldrich,

D. B. Hill, E. Murphy, C. S. Brice, O. H. Platt, A. P. Gorman, W. P. Frye, C. K. Davis, S. M. Cullom, J. M. Cary.”

Governor Cheney, of New Hampshire, submitted the following :

“We are firm and emphatic in our demand for honest money. We are unalterably opposed to any scheme or measure which threatens to debase our currency. We favor the use of silver as currency, but only to such extent and under such regulations as will enable us to maintain our present standard of values and the parity of all our money. We are emphatically opposed to the free and unlimited coinage of silver unless by international agreement.”

Mr. Moore, member of the committee from Oregon, offered this, which I think had been adopted by the Oregon Republican State Convention :

“The Republican party has always been the advocate of honest money ; it points with pride to its financial record during the greenback movement. It was opposed to greenback inflation then ; it is opposed to silver inflation now. We believe that every dollar issued by the Government should have the same purchasing power as every other dollar. We are, therefore, in favor of the maintenance of the present gold standard, and, except through international agreement, we are opposed to the free or unlimited coinage of silver.”

Col. L. P. Tarlton, a delegate from Kentucky, offered the following :

“We are opposed to the free and unlimited coinage of silver at the ratio of 16 to 1, or at any other ratio, unless by international agreement with the other great commercial Nations ; and therefore we demand that the existing gold standard of value be maintained, believing that the industrial interests of our people require that all exchanges in trade and the wages of labor should be based upon and paid in the money having the greatest intrinsic value and of the highest standard in the markets of the world ; at the same time we favor the use of silver in our currency to the extent only and under such regulations that its parity with gold shall be maintained.”

Senator Chandler offered the following section of the statutes :

“And it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legis-

lation as will insure the maintenance of the parity in value of the coins of the two metals, and the equal power of every dollar at all times in the markets and in the payment of debts. And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bi-metallism as will maintain at all times the equal power of every dollar coined or issued by the United States in the markets and in the payment of debts.

“Approved November 1, 1893.”

General James H. Wilson, of Delaware, offered the following :

“We are emphatic in our demands for sound money on the gold standard of value ; we favor the use of both silver and paper money, but to such extent only and under such legislation as will surely maintain them at a parity with gold ; and we are opposed to the free, unlimited and independent coinage of silver.”

George William Ballou sent the following telegram from New York :

“JUNE 14, 1896.

“Gov. Foraker, Republican Headquarters, St. Louis, Mo.:

“At a conference here today, it was resolved to send you the following for money plank : ‘That the money of our country should be sustained and perpetuated upon as sound a basis as the money of the other great commercial Nations and until such time as we can secure the co-operation of those Nations, or sufficient of them, to establish and uphold the free coinage of silver at 16 to 1 or upon any reasonable basis, the existing gold standard should be firmly maintained, so that at all times the interchangeable value of every dollar issued by our Government, whether it be gold, silver or paper, shall be equal, and with surplus revenues provided for the Government in the future such equal interchangeable currency values can be as readily preserved as they have been, under like circumstances, in the past.’ ”

Hon. Joseph H. Walker, of Massachusetts, Chairman of the House Committee on Banking and Currency, suggested the following :

“We hereby pledge the Republican party to the maintenance of the present policy and practice of bi-metallism in its only practical form, to secure the use of gold and silver as money at a parity and as bi-metallism is now maintained in this country, in Germany, in France and in other leading Nations.

“That each coin and paper dollar paid to the farmer for his product, to the wage worker for his labor, and to all others, shall be kept at a parity with every other dollar.

“We are therefore determinedly opposed to the destroying of bi-metallism and the establishment of a silver monometallism that

would inevitably result from guaranteeing to silver free and unlimited coinage, excepting it be done in compliance with international agreement.

"Wherefore we call upon every citizen, North, South, East and West, to rally under the flag of our common country to preserve the honest dollar, to secure a fair day's pay for a fair day's work to every citizen in the American system of protection, as indispensable to the welfare of the farmer, the wage worker, and to all others; and all other questions being subsidiary to these two.

"We hereby relegate their decision to the respective congressional districts throughout the various states."

Not by any means the least influential of all we received in helping us to the conclusion reached, was the following :

"NEW YORK, June 16, 1896.

"*The Chairman Republican National Convention, Convention Hall, St. Louis, Mo.:*

"The undersigned respectfully request you to submit the following to the committee on resolutions of your honorable convention. The German-American Sound Money League, consisting of members of both parties, was organized to ascertain the attitude of the German-Americans in regard to the money question. The replies received from all over the United States justify the league in making the following statement :

"First. That of the five hundred and eighty-one German-American newspapers which discuss politics, five hundred and one are in favor of the present gold standard, thirty-seven are for bi-metallism, or free coinage of silver and forty-three are doubtful. A majority of the newspapers from which answers have been received, are published west of the Alleghenies.

"Second. The ninety per cent. of the German-American voters regard the money question as the most important issue in this campaign."

"Third. That they will support only that party which in its platform declares itself unequivocally in favor of the maintenance of the present gold standard; and they will not vote for a presidential candidate who by his letter of acceptance does not pledge himself to stand by his declaration. The party which will declare emphatically for the maintenance of the gold standard, will command a large majority of the German votes, regardless of the party affiliations.

"For the German-American Sound Money League :

" OSWALD OTTENDORFER,	JACOB H. SCHIFF,
" WILLIAM STEINWAY,	THEODORE SUTRO,
" CARL SCHURZ,	GEORGE F. VICTOR,
" GUSTAV H. SCHWAB,	JOHN F. DEGENER,
" LOUIS WINDMULLER,	CHARLES C. WEHRUM,
" EDWARD GROSSE,	DR. CHARLES FREIDRICH,
" EWALD FLEITMAN,	HERMAN RIDDER,
" LOUIS F. DOMMERICH."	

If I may be permitted to speak of my own action, I submitted the following :

“ We believe in international bi-metallism and are opposed to the free and unlimited coinage of silver until by an international agreement we can secure the maintenance of its parity with gold, and pledge ourselves until bi-metallism can be thus secured to maintain the existing gold standard.”

Regarding it as in effect an equivalent, I also offered the following :

“ We believe in bi-metallism, and are opposed to the free and unlimited coinage of silver until an international agreement can be secured, and pledge ourselves in the meanwhile to maintain the existing monetary standard, with the use of silver, to the full extent that its parity can be maintained with gold.”

And so I might give scores of other contributions all to the same effect, but I have quoted enough, and they sufficiently represent the different sections of the country, to show that all wisdom with respect to this matter was not confined to one lone man in Chicago ; but that there was, on the contrary, a common trend of overwhelming sentiment in favor of an unequivocal declaration against free coinage of silver and in favor of the maintenance of the gold standard. When at one time during the deliberations of the committee, it was reported that a strenuous effort would be made to omit the use of the word “ gold ” and declare only for a maintenance of the “ existing standard,” Mr. Lauterbach, of New York, and Senator Lodge, of Massachusetts, both announced that if the committee should take such action, they would make a minority report and carry the fight into the convention. Others made similar declarations, but I remember these two particularly because of their earnestness and the weight their declarations carried. It was not necessary for them, however, to make such a declaration because there was never at any time trouble on this point so far as the committee or sub-committee was concerned. This was early shown by the result of a poll of the committee with respect to this question published in the Chicago papers immediately after the committee was appointed, as follows :

“ COMMITTEE ON RESOLUTIONS.

“ This is the Committee on Resolutions as elected by the states. The list shows how they stand on the currency question as far as it could be secured :

- ³⁰Alabama—H. V. Cashin, existing standard.
³¹Arkansas—John McClure, gold.
³²California—Allen B. Lemmon, 16 to 1 free coinage.
³³Colorado—Senator Teller, 16 to 1 free coinage.
³⁴Connecticut—Sam. Fessenden, existing gold standard.
³⁵Delaware—J. E. Addicks, gold.
³⁶Florida—J. W. Archibald, gold.
³⁷Georgia—Not settled. Existing standard.
³⁸Idaho—Fred. T. Du Boise, 16 to 1 free coinage.
³⁹Illinois—R. W. Patterson, existing gold standard.
⁴⁰Indiana—General Lew Wallace, gold.
⁴¹Iowa—John H. Gear, ———.
⁴²Kansas—C. A. Swinson, ———.
⁴³Kentucky—Leslie Coombs, gold.
⁴⁴Louisiana—H. C. Warmouth, sound money.
⁴⁵Maine—Amos L. Allen, gold.
⁴⁶Maryland—James A. Gary, gold.
⁴⁷Massachusetts—Henry Cabot Lodge, existing gold standard.
⁴⁸Michigan—Mark S. Brewer, sound money.
⁴⁹Minnesota—Ex-Governor William R. Merriam, gold.
⁵⁰Mississippi—Wesley Crayton, ———.
⁵¹Missouri—Hon. F. G. Niedringhals, sound money.
⁵²Montana—Charles Hartman, free coinage.
⁵³Nebraska—Peter Jensen, existing standard.
⁵⁴Nevada—A. C. Cleveland, 16 to 1 free coinage.
⁵⁵New Hampshire—Frank S. Streeter, gold.
⁵⁶New Jersey—Frank Bergen, gold.
⁵⁷New York—Edward Lauterbach, gold.
⁵⁸North Carolina—M. L. Mott, sound money.
⁵⁹North Dakota—Alex. Hughes, existing standard.
⁶⁰Ohio—J. B. Foraker, existing standard.
⁶¹Oregon—Charles S. Moore, gold.
⁶²Pennsylvania—Smedley Darlington, gold.
⁶³Rhode Island—Walter A. Read, gold.
⁶⁴South Carolina—C. M. Wilder, present standard.
⁶⁵South Dakota—Gold.
⁶⁶Tennessee—Not settled. Sound money.
⁶⁷Texas—Not settled. Gold.
⁶⁸Utah—F. J. Canon, free silver.
⁶⁹Vermont—Dr. H. D. Haton, gold.
⁷⁰Virginia—J. D. Brady, sound money.
⁷¹Washington—A. F. Burleigh, gold.
⁷²West Virginia—F. M. Reynolds, gold.
⁷³Wisconsin—R. M. Lafollette, gold.
⁷⁴Wyoming—B. F. Fowler, silver.

“ TERRITORIES.

- ⁷⁵Arizona— ———, ———.
⁷⁶New Mexico—John S. Clark, ———.
⁷⁷Oklahoma— ———, ———.
⁷⁸Indian Territory—J. P. Grady, gold.
⁷⁹District of Columbia—Not settled. Gold.
⁸⁰Alaska—Not settled. Gold.”

The first action of the committee was to appoint a sub-committee of nine members, of which the Chairman should be ex-officio one and the Chairman, for the purpose of framing a first draft of a platform, to which sub-committee all resolutions offered should be referred. This sub-committee consisted of Senator Lodge, Senator Teller, Governor Merriam, of Minnesota; Mr. Fessenden, of Connecticut; Governor Warmouth, of Louisiana; Mr. Lauterbach, of New York; Mr. Burleigh, of Washington; Mr. Patterson, of Illinois, and the Chairman. All resolutions and communications to which I have referred were submitted to it when the money question was reached for consideration. Senator Teller offered the following as a substitute for all of them:

“The Republican party favors the use of both gold and silver as equal standard money, and pledges its power to secure the free, unrestricted and independent coinage of gold and silver at our mints at the ratio of sixteen parts of silver to one of gold.”

After giving consideration to all that was offered, and after hearing all that Senator Teller desired to say in support of his proposition, the sub-committee rejected Senator Teller's proposition and a number of substitutes that he offered by a vote of eight to one, and decided not to accept, *in totidem verbis*, anything that had been placed before it, but to use, as far as it could, the Richards-Hanna resolutions because of their origin, making them more concise, however, and supplementing what was thus adopted by a more explicit statement with respect to the gold standard and omitting the declaration that the tariff was “paramount.” Various members of the committee prepared drafts intended to meet this purpose. Out of the whole of them they finally evolved and adopted the following:

“The Republican party is unreservedly for sound money. It caused the enactment of the law providing for the resumption of specie payments in 1879; since then every dollar has been as good as gold.

“We are unalterably opposed to every measure calculated to debase our currency or impair the credit of our country. We are therefore opposed to the free coinage of silver except by international agreement with the leading commercial Nations of the world, and until such agreement can be obtained the existing gold standard must be preserved. All our silver and paper currency now in circulation must be maintained at parity with gold, and we favor all measures designed to maintain inviolably the ob-

fications of the United States, and all our money, whether coin or paper, at the present standard, the standard of the most enlightened Nations of the world."

After this resolution had been adopted in this form, and before the adjournment of the sub-committee, it was suggested and finally agreed that it should be amended by inserting after "international agreement" the words, "which we pledge ourselves to promote," as they are now found in the resolution, and they were accordingly interlined in lead pencil by Senator Lodge. Afterward, when the resolution was reported to the committee, the words "now in circulation," occurring as above, were stricken out on the motion of Mr. Lafollette of Wisconsin.

In this amended form the plank was adopted by the committee and reported to the convention and by it incorporated in the platform.

The truth is that the framing of this plank was, like the doing of most such things, not the work of any one man, but a mere expression of a common sentiment, in arriving at which all aided to whom the duty of formulating an expression had been assigned.

The subject was attracting general attention, and at such a time, with respect to such a subject, all intelligent and informed men will have views and are likely to formulate them, especially when called upon to take important action with regard thereto. The great silver debate in the Senate that preceded the convention of 1896 had set the whole country to thinking and talking. The daily discussions of the newspapers were educating the people, and it was everywhere felt by the masses, as well as among the leaders, that the platform of 1896 must contain a more explicit declaration against free silver, and in favor of the maintenance of the gold standard, than the Republican party had theretofore made; and therefore when the committee met at St. Louis it was found that there was practically no difference of opinion as to what should be done, but only differences as to the language that should be employed. The work of the committee was but a work of phraseology more than anything else, and because there was such a variety of phrases and statements presented, and so many members of the committee to agree, the work was less perfectly done as a work of phraseology or rhetoric than it probably would have been done had any one of the members of the committee been allowed

to prepare the plank on his own responsibility and without interference or help.

But, however that may be, it must be manifest that either Mr. Kohlsaas wrote the Richards-Hanna resolutions, which were adopted only in part, and that part not very important, and which did not explicitly enough declare for a maintenance of the existing gold standard to satisfy the committee, or else he must have written, in the name of somebody else, that part of the plank that was adopted which was not taken from the Richards-Hanna resolutions. Every member of the sub-committee knows he did not do, and could not have done anything of the kind, for that part of the plank was framed, to the personal knowledge of each member of the sub-committee, by the sub-committee itself from what had been submitted to it by others, and from what all its members knew was required to meet public sentiment, and was only what all, except Senator Teller, were anxious to say and would have said had they acted solely upon their own judgment without the help of outside advice or suggestion.

It is to be hoped that the claims of Mr. Kohlsaas to greatness and the gratitude of his countrymen rest upon something more substantial than the story that he was the author of the gold plank of the Republican platform of 1896; and it is especially to be hoped that his acquiescence, not to say complicity, in the claim that has been made for him in this regard is not to be taken as a measure of the virtues of that truly remarkable man.

Respectfully,

J. B. FORAKER.

CINCINNATI, O., *September 21, 1899.*

SPEECH
OF
SENATOR FORAKER
AT
HAMILTON, OHIO,
EMANCIPATION DAY,
SEPTEMBER 22, 1899.

After talking about the circumstances attending the issuing of the Emancipation proclamation, and reading in that connection editorials from the Cincinnati *Enquirer* published the day after the proclamation was issued, to show views that were taken of the step at the time, and after congratulating the colored people of the United States upon the splendid progress they have made in all the pursuits of life, and calling attention to the heroic services the colored soldiers rendered in the recent war, Senator Foraker said :

In view of all this the colored men of the United States are not only entitled to their citizenship, but they are also entitled to protection in the enjoyment of it.

It is a scandal and a reproach that the Government of the United States, for which so many colored men have laid down their lives, should be powerless to protect the humblest black man who lives under our flag. At this very hour the Government is recruiting two regiments of colored men—one of them at Fort Thomas—for service in the Philippine Islands.

The call for this service is being answered by volunteers—brave young men who will uphold our flag with the same heroic valor that distinguished the 9th and 10th cavalry and the 24th and 25th infantry at San Juan hill last year. When these regiments shall have performed

this service the survivors of them, full of honor, and some of them, no doubt, bearing wounds received in battle, will return to this country and to their homes within the States.

Is it possible that this great, rich, powerful Government that now so easily crosses State lines to open recruiting stations and, if need be, drafting stations also, will then be powerless to cross those same State lines, if necessity should arise, to protect those same men in the enjoyment of their right to vote, to hold office, and to exercise all the rights and duties of citizenship?

Is a returned warrior from the Philippines, who may be given a post-office as a reward for the services he has rendered, to be murdered because he accepts the honor and undertakes to discharge its duties on account of the color that God has given him; and if so, are the State lines to rise up so high about the perpetrators of such wickedness that the United States Government cannot climb over them to administer punishment?

Such seems to be the present interpretation of the Constitution, and as a result we are constantly reading of lynchings and other crimes that discredit the whole nation.

The moral sense of the American people will not long tolerate such abuses, and the time is hastening on when, following emancipation and enfranchisement, the flag of our country will mean safety and protection to all, both at home and abroad, who look with allegiance upon its folds.

This is one of the great questions pressing upon us, and you, by your patience and good citizenship in peace, and your loyalty, devotion, and heroism in war, are helping us to work out its just solution.

DUTIES OF CITIZENSHIP.

There are some other questions that are pressing upon us, and you, as citizens of this Republic, stand charged with the duty of helping to solve them. It is just as much your duty as it is mine. You cannot intelligently discharge this duty without investigating these questions—without discussing them and listening to their discussion.

In no partisan way, but as one citizen talking to his fellow-citizens about a common duty, I shall speak briefly about them.

I recognize that this is a non-political occasion, and that I should not offend against its proprieties by talking to you about political candidates and advising you to vote for one man or another, but I will have to mention political parties in order to state the facts necessary to the proper presentation of what I wish to say.

1896.

There has been a great deal of history made since 1896. The condition of the country then was in striking contrast with its condition now.

Our industries were then everywhere prostrated. Business was everywhere paralyzed, and labor was everywhere idle. Railroads were going into the hands of receivers, merchants were making assignments, and most farmers had been compelled to go in debt, and many of them to mortgage their lands. There was distress among all classes and in every section.

Manifestly something was wrong. All conceded that such was the case. What the people wanted was a remedy. We were then called upon to elect a President. It is not too much to say that it was not a choice of men or of parties in that campaign about which the people were concerned, except only as men and parties promised relief.

The contest was between the Democratic and Republican parties. Each party had its candidate. Each party had its platform, and each offered a solution of our trouble. Each party pointed out a cause for the unsatisfactory conditions then obtaining, and both parties promised a remedy.

MONEY AND THE TARIFF.

The Democrats attributed our disasters to the gold standard, and proposed to cure all by the free and unlimited coinage of silver at the ratio of 16 to 1.

The Republican party said it was not the gold standard, but free trade or tariff for revenue only, that was the cause of all our difficulties, and that the remedy was to be found in a restoration of the protective tariff policy.

At that time the conditions were such that men might well differ as to the cause of our trouble and the remedy, and therefore the people were ready to listen to the respective claims of the two parties. We had an exciting campaign. In the newspapers and on the stump, and in every manner possible, the questions involved were debated.

When the election came the people were well informed. They had heard every argument that had been advanced. They had weighed all that had been said. They decided that the trouble was not on account of our money, but on account of our tariff, and concluded that they would try the remedy proposed by the Republican party and therefore decided in the words of the Republican platform to maintain the existing gold standard, and to re-inaugurate the policy of protection to American industries and American labor.

They declared this decision by the election of William McKinley to be President, and by choosing a Republican House of Representatives to assist him by enacting the necessary legislation.

REPUBLICANS' PROMISES FULFILLED.

In discharge of his pledges and the pledges of his party, President McKinley at once, upon his inauguration, called an extra session of Congress, and asked for a revision on protection lines of our tariff laws, and the Congress in fulfillment of these promises gave us the Dingley law and adjourned.

Before the Members had reached their homes the tide of prosperity had set in. Mills, mines, furnaces, factories, foundries, every conceivable industry at once sprang into activity; labor was called to employment, and the greatest era of prosperity the American people have ever known was upon us. It has continued without interruption until now. Our railroads have never been so busy; our labor has never been so fully employed or so well paid. Our industries of every character have multiplied on every hand. The balances of trade have been in our favor without precedent. From one end of the land to the other you will search in vain for idleness, for want, for destitution, or for lack of

prosperity, except only as it is willfully or negligently self-imposed. There is at least opportunity everywhere. We have never had such a degree of prosperity, nor anything approaching such universal happiness.

If anything has been conclusively demonstrated by all this, it is that the cause of the disasters of which we complained in 1896 was not the so-called demonetization of silver in 1873, and that the remedy for those disasters was not the free and unlimited coinage of silver ; but that the trouble was the free-trade policies then in force, and the remedy was a restoration of the protective policy.

And yet, notwithstanding all this, we are now again called upon to reconsider this same question.

I do not propose to discuss it, but only to call your attention to these indisputable facts, known to all, and there leave it to your consideration.

THE TRUSTS.

We have another question, practically a new one. It is the question about trusts. We hear it said that the tariff is the mother of them and that they are the cause of all sorts of evils.

We do have trusts, and some of them as bad as they are represented, but they are not the product of the tariff ; and if they were, the tariff, with its attendant prosperity and trusts, is better than free trade and idleness, ruin, want, hunger, soup houses and rags.

That the tariff is not responsible for trusts, is shown by the fact that while they have free trade in England, yet they also have more trusts in that country than in any other. They had their origin there, and there they have had their most complete development.

But we should distinguish. Not all combinations of capital and business are trusts ; not all of them have illegitimate purposes, and not all are attended with disadvantageous consequences. On the contrary, the great majority of business combinations are legitimate and beneficial. But whether they are of the one kind or another, they are not partisan in character. Trusts are not a Republican institution, enjoyed by Republicans alone ; nor a Democratic institution, enjoyed by Democrats alone ; but they are composed of Democrats and Republicans alike ; the men of both parties are engaged in them, and interested in their promotion and their protection under the law. They are a feature of our modern business conditions with respect to which party lines cannot be drawn. Accordingly we find that not only men of all parties are in common engaged in creating great combinations of capital, but that men of all parties are alike engaged in the condemnation of such combinations ; and when we go to the ballot-box in November next, men who are interested in trusts, both those which are objectionable and those which are not, will alike forget their party interests in this respect and vote the Democratic and Republican tickets respectively, accordingly as their political affiliations may dictate.

CAUSE OF THE TRUST.

But passing all this by, these trusts, while restricting competition, are yet the result of that same competition, and the natural result of natural conditions. They first started in England, because we were pressing the manufacturers of that country with our competition in the

markets of the world to such an extent that they were compelled to economize in every way possible to hold their own against us in the marts of trade.

The same cause that led to the formation of trusts in England afterwards led to them in America. The chief purpose of a protective tariff has been, first, to develop our own resources to the extent of making ourselves able to supply our own wants. The great question has been heretofore whether we would supply our own wants or let others supply them. It has been the Republican policy to supply them ourselves, and in this behalf we have maintained the protection policy; but all the while we have been pursuing this policy, we have been pointing out that after we controlled our own markets, then we could and would compete for the markets of the world. We have seen from the beginning, and have constantly pointed out, that the time would come when our resources would be so far developed and our industries so far established, and our labor so far skilled, that we would be able not only to supply our own markets, but to have a great surplus to sell in the markets of the world, in competition, in those markets, with the labor and the capital and the industries of other countries. We have now reached that point. We now practically supply our own demands. So little is brought into this country from other countries that it is almost impossible, if not quite so, to supply our Government with a sufficient revenue by a reasonable taxation of these imports. We do not need to go abroad any longer for manufactured iron products, for hardware, for agricultural implements, for machinery, for engines, for scarcely anything. Except in small part we supply all the demand our people make in this regard, and in addition our capacities are such that we manufacture large quantities of almost every kind of product for which we can find a sale in other countries. Our capacity to produce has far outstripped our capacity to consume.

NECESSITY FOR THEIR EXISTENCE.

We must, therefore, sell abroad, or we must curtail our production. To curtail our production we must restrict the employment of our labor and the operation of our mills, mines and factories. If we cannot sell, except only to ourselves, millions of capital and hundreds of thousands of wage-workers must go unemployed. But to sell abroad we must sell in competition with the cheaper labor, and the superior advantages, in many respects, of other countries; and to sell in competition with these other countries, under such circumstances, it is necessary to economize.

We could economize by the reduction of wages, but it is contrary to sound American ideas and the spirit of free, self-government to develop our business at the expense of the brawn and muscle of the land. The laborer is worthy of his hire and must have it. The great question is, therefore, how can we maintain the American standard of wages, the highest standard of wages known to the world, and at the same time successfully sell our surplus products in competition with the products of other peoples.

In the solution of this problem is to be found the chief cause for the combinations of capital that are complained of.

By consolidation of capital, plants and management, expenses of various kinds are eliminated, and it is made possible to continue the employment of our capital and the employment of our resources, and the multiplication of our wealth ; by a resort to the economies that follow consolidation, we are enabled to meet the prices of England, Germany and the older countries of Europe.

Therefore, while it is true that some of these combinations have many disadvantageous features, yet it is also true that they are not the result of a protective tariff, except only as protection has multiplied our production beyond our own wants ; and they are not a Republican product, except only as Republican policies have brought us a prosperity which, for its full enjoyment, carries us beyond the confines of our own territory, and is already leading on to a conquest of the commerce of the world.

HOW THEY SAVE LABORING MEN.

These consolidations mean loss of position and loss of employment to some classes and some individuals. So did the introduction of the sewing machine, the cotton gin and every other labor-saving device that has ever been invented ; yet the fact remains that but for these consolidations thousands would lose occupation who are now employed in producing the surplus manufactures for which we find markets outside of our own country.

But for the advantages we acquire by these consolidations of capital and industries, we could not be supplying, as we are to-day, locomotives to the railroads of England, or be building bridges in the Soudan for the British army, in successful competition with the bridge-builders of Great Britain. We could not be sending our myriads of products to South Africa, China, Japan and Australia. These achievements, of which we are so justly proud, are made possible by these conditions, but if it were not for them and the advantages they bring, they would not be so.

In other words, we have come to the place where we must sell abroad or restrict production.

To sell abroad we must compete ; to compete we must economize, and to economize we must lower wages or combine. Lower wages we do not want and will not have, and therefore we accept the alternative and combine. That is the whole story and you can no more stop this course of events by legislation, or by election results, or by complaining and debating, than you can stop the march of progress. And if you could and did stop it, not only capital, but labor also and particularly, would at once revolt against the consequences. All we can do, and all we should wish to do, is to regulate, restrain, guide and direct these great influences and agencies so as to prevent abuse and cause them to bring the best possible results to our country and our people.

THE PHILIPPINES.

And now, just when the necessity is upon us to find markets for our large surplus products, the way to the best markets of all is opened by the annexation of Hawaii and the war with Spain.

It is not in Europe, but in Asia, where we are to find relief.

Five or six hundred millions of people, chiefly in China, are just now being introduced to our civilization. In the near future they will make heavy demands on the rest of the world. Russia, France, Germany and England are striving for their share of this trade, and we owe it to the shops and farmers of this country to secure our fair share also. To neglect our opportunities would be stupid folly.

Considerations of this character must not be overlooked when we consider the acquisition of the Philippine Islands. The wisdom of that acquisition will be in due time demonstrated, just as in every other case of annexation of territory.

It is true these islands are far distant from us, but they are nearby the great markets we must enter.

It is true that we paid Spain \$20,000,000 on account of them, when we might have taken them by force, but that was only to reimburse her for money actually expended for the improvement of harbors and the construction of public buildings and other improvements which it would have been ungenerous, to say the least, for us to have deprived her of, in her hour of helpless humiliation.

It is true that these islands are inhabited by a heterogeneous population, speaking many different languages, and possessing varying degrees of capacity and possibility for civilized government, and that all, good and bad, are, according to the terms of the treaty, to pass under our jurisdiction; but it is not true that by mere annexation they are to become citizens of the United States, participating in our government and competing with our labor.

On the contrary, it is expressly provided in the treaty that the civil and political status of the inhabitants shall be determined by the Congress, and this provision of the treaty is as much the supreme law of the United States as though it were set forth in the Constitution itself, for, by the Constitution, it is expressly provided, not that the Constitution alone shall be the supreme law of the land, but that the Constitution and the laws enacted in pursuance of the Constitution, and all treaties made or to be made, not under the Constitution, but under the authority of the United States, shall be the supreme law of the land.

In other words, a treaty with a foreign power is, as to all matters with which it appropriately deals, an instrument of equal dignity with the Constitution; made so by the Constitution itself. The whole subject is therefore entrusted to the American Congress to be dealt with as it may see fit; and the Congress can be safely trusted to so deal with it as to fully protect American interests both at home and abroad. And not only can the Congress, the direct representatives of the people, be trusted to do justice to ourselves, but also to the Filipinos.

THE PHILIPPINE WAR.

An unhappy war is now in progress. It is costing us many lives and many millions. This is not the time to discuss how we got into it, but it should be borne in mind that President McKinley has announced that he has no purpose in prosecuting it except only to restore order and prepare the way for the establishment in due time of such civil government as the Congress may provide. When Congress convenes all can be heard, and I have no doubt that wise and just results will be reached. In the meantime, so long as the war continues there can be

but two sides to it, and only one is the American side. Where our flag and our soldiers are, there must stand the whole American people.

When the end of the strife comes, if not sooner, it will be made manifest that our purposes are altogether beneficent. We do not want to oppress anybody or deprive anybody of self-government who is capable of it. On the contrary to the fullest extent consistent with the maintenance of law and order, and the discharge of our international obligations, and as rapidly as possible, the Tagalogs, the Vicolls, the Visayans, the Moros, the Negritos, and all the other peoples and tribes of that archipelago will be advanced in the enjoyment of freedom, liberty, independence and self-government under the protection of the American flag.

These questions are all of profound importance and profound interest. They are worthy of the highest and best thought of the American people. Upon their proper solution depend in large measure not only our prosperity and happiness, but also the honor and good name of the Republic.

SPEECH
OF
SENATOR FORAKER
AT
Columbus, Ohio,

OCTOBER 26, 1899.

Mr. Chairman, Ladies and Gentlemen: There are two reasons at least why I shall not address you at any great length this evening. In the first place, because, as the Chairman has already announced, I am to be followed upon this platform by the distinguished Senator and gifted orator who comes to us from Michigan to talk to the Republicans of Ohio. I know that you want to hear Senator Burrows, and I, knowing his power on the platform, want the Republicans of Ohio to hear him. I shall soon give way in order that he may have proper opportunity to address you. But, my fellow-citizens, there is another reason why I shall not speak at any very great length tonight, and that is, as must be manifest to everyone here, you do not need to have anybody speak to you. [Applause.] You are manifestly ready to vote now. [Applause.] What I see here tonight in this city of Columbus, and see manifested here in this audience, tells me in a most conclusive way that the Republicans of the capital city intend to be abreast with the Republicans of all this great State on the 7th of November in the election of George K. Nash to be Governor of Ohio. [Renewed cheering and long-continued applause.]

We are to have another election. It looks like it is all going one way. But we must remember that we have three candidates appealing to us for our suffrages. I am opposed to two of them. [Laughter.]

I am opposed to John R. McLean because he represents something. I am opposed to Samuel M. Jones because he does not represent anything. [Applause.] I am in favor of Judge Nash because he represents Republicanism [long-continued cheering], and the continuation of the Republican party in power in this country means a continuation of that prosperity which blesses tonight the whole of this great country. [Cries of "Good!" "Good!" and more applause.]

What Mr. McLean represents I do not like; I never did like it, and I never shall like it—he represents Democracy. [Derisive laughter.] Haven't we had enough experience, in both State and National affairs, with this Democratic party? [Cries of "Yes, yes."] We never put that party into power in either State or nation that we were not anxious for the first election to come at which we might turn it out of power again. We have never had two successive State Democratic administrations in Ohio since the war, and I doubt if we ever have another Democratic administration in Ohio. [Cries of "Good!" "Good; give it to them!"]

A man on a ladder: "How about the city administration?"

Senator Foraker: "Well, the city administration—I don't know much about that, but I haven't any doubt but that it will be taken care of, and if there is anything wrong about it, it will be corrected, for that is the way the Republicans do." [Great applause.]

But, my fellow-citizens, while Democracy has always, when in power, given us unsatisfactory results, the Republican party has ever given us the highest degree of satisfaction.

I do not intend to consume your time in contrasting the business conditions of today with the business conditions we had under Mr. Cleveland's administration. You all know, without my reminding you, what that contrast is. Every man, woman and child in all this land knows that prosperity has been restored to the American people. [Great applause and cries of "Good!" "Good!"] It is not a prosperity to be argued about, either. It is a prosperity that every man can see and feel and appreciate for himself. Who brought it?

It didn't come accidentally. It came to the American people because the Republican party came into power and reinaugurated Republican policies in the administration of the National Government. [Renewed cheering.] Now, my fellow-citizens, what is it that we want to do when we have an election? An election is but the selection of an agency to administer the government. If we are doing well, do we not want to continue doing well? Do you think it would help this prosperity to elect a Democratic Governor of the State of Ohio on the 7th of November? Why, my fellow-citizens, everybody knows that if we would continue this business prosperity, if we would continue to have our labor employed, we must at the ballot

box register our approval of what has been done, and at the same time our determination not only to have a Republican victory in Ohio this year, but a Republican victory in the United States of America next year. [Vociferous cheering.]

MR. JONES.

Now, I hear there are some Jones men here. Let me appeal to all such to ask themselves what could possibly result that would be good for them if Mr. Jones should be made Governor of Ohio? Mr. Jones does not represent anybody except only himself. He has no legislative ticket; he has no State officials associated with him; he does not want even a Lieutenant-Governor. He wants to be IT. [Renewed cheering and great laughter.] No matter how good a man he may be, no matter how sincere he may be, no matter how good his notions may be, if you were to put him into the State House without a Legislature, without State officials to assist him, he could not by any possibility accomplish anything. To elect such a man Governor would be simply to do a vain thing. It would be to defeat a great party, without which, and without its organization, there can be no successful government. I appeal to you all, therefore, if you would maintain our prosperity, if you would indorse our National Administration, there is just one way to do it, and that is by making George K. Nash, and nobody else, Governor. [More cheering.] And while you are making him Governor, remember the motto inscribed on one of the banners that was carried into this hall tonight, which is, "Vote the straight ticket from top to bottom." Let us have not only an old-fashioned Republican triumph in Ohio this year, but let us make it a triumph from the head to the tail of the ticket. [More cheering.]

SOME QUESTIONS.

There are some great public questions about which the American people are at this time concerned. I cannot take the time and will not tax your patience to go over them with any elaboration or detail, but I want to refer to some of them, and I have been exceedingly fortunate, coming into your city tonight, to have indicated to me the question which seems to be uppermost in the minds of those who do not agree with us. It is seldom that I have had such attention paid to me of late years by the Democratic newspapers as I have received in the Democratic newspaper of Columbus this afternoon. For the last two or three years they have been wasting their energies on Hanna's "dollar coat." That has not seemed to bother him any. [Laughter.] He seems to "know his business," all the same [renewed laughter], but it has made it very easy for me, and for that I

have a high appreciation. [Renewed laughter and applause.] As I come into this city tonight I have thrust at me, good-naturedly, of course, and I have so read it, this afternoon's issue of the Columbus Press-Post. [Derisive laughter.] On the first page three or four columns are given to an exposition of a little difference that occurred some months ago between the State Journal and myself, and they want to know how I like my present affiliation. Well, now, my fellow-citizens, I may not be altogether pleased with it in some particulars, but I can say to you in all sincerity that I like it a great deal better than I would like affiliation with any Democratic paper on the face of the earth. [Thunderous cheering.]

That question gives me a good text from which to say something. What is referred to here is a personal matter. It should be taken care of in a personal way, and, so far as I am concerned, it will be taken care of in that way and in no other. [Renewed applause.] In other words, personal matters have no place in the public discussion of great national, public, patriotic American questions. [More cheering.] I am a Republican [tremendous applause], and I am not going to be driven out of the party because some man who does not like me happens to belong to it. [Renewed applause.] I will stay in it and work with him for a common cause, and when the victory has been won and the common enemy is destroyed, and there is time for personal matters, if he wants to resume a consideration of them, he knows my address. [Great cheering and laughter.]

That is all I have to say on that subject. But now I turn the paper over to look at the editorial page, and there is a "daisy" [laughter], and the editor, knowing that, being in a Democratic paper, I probably would never see it, called my attention to it; sent me a proof slip to the hotel where I am stopping, and announced in the paper that he had done so, coupled with a challenge that I answer, if I could, the questions which he has propounded. Two or three of these questions are quite pertinent to the political discussion that we have come here tonight to engage in, and I will take great pleasure in making answer to them. There are twelve of them altogether, but from question 3 down to and including question 10, they are all of a personal nature. "Do I think Senator Hanna a better Republican than Robert E. McKisson?" That is a sample, and what do I think of certain appointments that the President made in the consular and diplomatic service, naming them, and so on all the way through, and what is my present relation to this, that and the other man? I would not stand here and offend this audience, you having assembled to hear a discussion of public questions, by answering impertinences of that character. [Great applause.] But if the editor really wants to know about these matters, if he will call at my hotel I shall be

pleased to tell him all I know about them. [More laughter.] I tell you, my Democratic friend, you haven't any idea how accommodating I can be. [Renewed laughter.] The eleventh question is whether or not I haven't entered into a compact with Senator Hanna to the effect that in consideration of my support of the Republican party he is to support me for re-election to the Senate of the United States? Well, that is a modest sort of inquiry [more laughter], and I take great pleasure in telling you that over on our side of the political fence, where "we understand our business," we don't do it in that way. We don't make compacts of that nature. We don't make compacts of any kind. If it will be any satisfaction to you, my friend, let me tell you I have never spoken to a human being on that subject, unless he has spoken first upon the subject to me. And let me tell you, in the second place, I am not particularly "stuck on the job" and am not worrying about keeping it. I have business of my own that I can attend to to very good advantage, and if, when the time comes for the election of a successor to myself, the people of Ohio want to send me back, they can do so, and if they don't, all well and good. No harm will be done; I will have no grievance. [Cries of "Good!"]

THE PHILIPPINES.

But now, turning from that, let me read to you a question that is pertinent to the present political discussion, and which I shall take as a text for that which I shall say to you here this evening.

"Why are you opposing the policy in the Philippines which you advocated with particular energy in regard to Cuba?" and, second, "In a speech delivered in the United States Senate, January 11, 1899, you employed the following language: 'No one desires to retain the Philippines indefinitely. The President is as much a believer in liberty, truth and justice as is the Senator from Massachusetts. With the determination of the ultimate policy respecting the Philippines, their own feelings will have much to do. No one, as far as I can learn, is proposing by force and violence to take and hold them. I have no more sympathy with those who talk of making war on Aguinaldo than I have with those who talk of making war on Gomez.' And why do you now support the war on Aguinaldo which you formerly condemned?"

SOME MORE QUESTIONS.

Now, my fellow-citizens, let us consider this for awhile, and along with it this question also, that was handed me by a very serious and solemn-looking individual just before the Chairman introduced me: "Has a government the right, under any law, human or divine, to

sell a part of its territory and people to another government, with or without the consent of the people so transferred?" Let me answer him as I proceed, for I want to be brief about it. It is pretty well established that it has. It was so established when France sold the Louisiana territory to the United States of America, Thomas Jefferson being President at the time. [Renewed applause.] We didn't ask anybody's consent, but just took it and paid fifteen millions of dollars for it. And we established a government over it without consulting anybody who lived in the territory, and the President appointed a Governor and he appointed a council that was to legislate in conjunction with the Governor for the people in that territory, and he so ruled them until Congress took the matter in hand, as Congress will in due time take the Philippines in hand and establish a government there. The same thing happened, my fellow-citizens, when Spain, in 1819, sold Florida to the United States. We didn't stop to consult anybody down in that territory; we didn't stop to find out whether everybody was consenting; and, again, we didn't stop to consult anybody when we took Texas, and when we took other territory from Mexico, and we didn't stop to consult the inhabitants of Alaska when we purchased that territory from Russia through William H. Seward, the great Secretary of State. And so, I say, by precedent it is pretty well established that this government of ours has the constitutional power and the moral right to acquire territory from any other country without stopping to consult and see whether it has the consent of everybody occupying that territory.

But he goes on: "If so, how does such a transaction 'square' with our professed principle of self-government and the inalienable right of everyone to equal opportunity in the struggle for life, liberty and wealth?" Well, I do not know to what extent I am required to "square" all these transactions, but it is enough to say that nobody has any right to complain of such a transaction on the ground that it is inconsistent with the Declaration of Independence, when the first great example was set by Thomas Jefferson, the author of the Declaration of Independence. [Tremendous cheering.]

But now, my fellow-citizens, these interrogatories indicate, to my mind, what our friends who are opposing us in this contest want to hear from me about, and I shall talk at once about the Philippines.

SHALL WE CONTRACT?

I am not surprised that our Democratic friends are opposing expansion. That is just like the Democratic party, opposing something that has been done. [Great laughter and renewed applause.] Why, bless your soul, my Democratic friend, we have already expanded. We expanded when we ratified the treaty of peace with

Spain and took a cession of the title of Spain to the Philippine Islands. They already belong to this government, and the only question you can raise is whether or not we shall now contract. [Laughter.] Shall we surrender them? Shall we give them up? Shall the President of the United States, to whom the Congress of the United States turned over this territory, in the absence from Washington of Congress, withdraw the army and navy and haul down the American flag and retire from the Philippines, and say to Russia and Germany and other nations, "You can have them?" [Cries of "No!" "No!"] No, a thousand times no, when you come to understand how we got to the Philippines. How was it?

HOW WE GOT TO THE PHILIPPINES.

We didn't start into that war with any reference whatever to the Philippine Islands. I venture I am not exaggerating when I state that there were not twenty-five men in the Congress of the United States who knew there was any such a place as the Philippine Archipelago. [Great laughter.] Our action was with reference to Cuba only. We had a duty with respect to Cuba. Spain had cruelly ruled there for hundreds of years, and it became our duty to break her sovereignty; to drive her out of there. We started in to do that. If she had been content to fight about Cuba alone, that would have been the end of the whole matter. We would not have looked any further. But Spain, instead of withdrawing on our demand, answered with a declaration of war, and we were compelled, to fix the status of nations and individuals, if nothing else, to answer with a counter declaration of war. That widened the scope of operations. That made our operations very comprehensive; and do you know what one of the first effects of a declaration of war was? It was, according to international law, to drive out of neutral ports, the world over, our American warships wherever they might be. According to international law, warships of belligerent nations cannot go into neutral ports and remain there except only for supplies, and then not more than twenty-four hours, and only for such supplies as may be necessary to enable them to reach the nearest home port.

We have been building up for decades past a commerce in the Orient. We have been recognizing that over there are great markets for the American people, as well as the rest of the world, to sell and trade in. American citizens have been locating there and acquiring interests there, and in order that we might protect our interests in that far-away part of the earth we had a navy there. Not a very big one, but big enough. [Tremendous cheering.] When the declaration of war came, what was the consequence? That navy of ours, in the harbor of Hon Kong, was required, by international law, within

twenty-four hours to go out of there. Where was it to go? It could not go any place except to the nearest home port of the United States, and at that time we had no port nearer than San Francisco. We have one nearer to Hong Kong now. [Renewed cheering and applause.] The President cabled the commander of our fleet, a man we had scarcely heard of then, but all the world has heard of him since, to George Dewey [tremendous cheering], Commodore Dewey, in command of the United States navy at the Asiatic station [applause]—cabled to him, I am not giving his language, but his thoughts, that war had been declared between Spain and the United States, and that inasmuch as he had to at once come home, abandoning all American interests and letting them go without protection, or do something else, he had better do something else [applause], and he pointed out to him that there were some Spanish possessions in that part of the world, the Philippine Archipelago, and that there was a Spanish fleet at Manila, and directed him to go there and capture or destroy it. He gave him an alternative, and he exercised his option; he destroyed. [Applause.] That cable went to him on the 23d of April. Just a week later, on the 1st day of May, a cablegram was received by the President from Dewey, saying: "I got your cablegram. I sailed at once. I got here Sunday morning, found the Spanish fleet at daybreak, immediately attacked and destroyed it." [Great cheering.] The whole Spanish fleet, as his report showed, had been sent to join the Maine on the bottom of the sea. [Applause.] Well, now, you ought to have been in Washington then to have seen Senator Burrows rush out into the corridor to look at the map to find out where the Philippine Islands were. [Great laughter.]

The Senator says to me, from his seat in the rear, that when he got to the map he had to look over my shoulder. [Renewed laughter.] I expect that is true, for I confess I was greatly interested in Spanish islands about that time. We were all looking out for them; but as to the Philippines, we were surprised to find that there were not only two or three or four or five or a dozen of them, but that there were twelve or fourteen hundred of them, perhaps; enough to give twenty or thirty to each State and Territory in the Union and have islands left. [Applause.]

Well, my fellow-citizens, we were pretty well satisfied with that beginning of the war, for at the first stroke Dewey not only sank the whole Spanish fleet, but he shivered every timber in the Spanish ship of state at Madrid. The world said that "was a great victory, but it was only an accident. Couldn't happen again. Nothing like it ever happened in the history of the world." But, my fellow-citizens, only four or five weeks later it did happen again, when Sampson and

Schley sent the other Spanish fleet to also join the Maine [renewed cheering], and then the Spaniards and all the world found out that that was simply a way the United States navy has of doing its business; that we not only had fine ships and splendid officers, but that we had behind the guns the best men in all the world. [Great and prolonged cheering.]

But now, to return to the Philippines. When Dewey reported that victory we were, of course, very much pleased, but it was something nobody had anticipated, and nobody had intelligently mapped out a programme of further proceedings in that quarter of the globe. As I have already intimated, we didn't know much about the Philippine Islands, didn't know how many there were, didn't know about the soil of these islands, their material resources, whether they were valuable acquisitions or not, and especially we didn't know anything about the people there, and we didn't have time just then to investigate that subject, and so the President said to Dewey: "Stay there and keep everything in statu quo until we get rid of the war, and then we will give the matter further attention."

PEACE NEGOTIATIONS.

Well, we were pretty busy with the war for about seventy or eighty days longer, when Spain suddenly sued for peace. We had sunk all her ships we could get at. With 16,000 men we had captured at Santiago 24,000, and she had enough of it, and wanted to know on what kind of terms we would settle. We were ready to accommodate her in that respect. We didn't want war with her in the first place, but when we had to have it, we pushed it with the energy that I have indicated, yet welcomed an opportunity of ending it upon honorable terms to this country. Peace commissioners were appointed. They got together. We had started into war on account of Cuba. Spain said: "I will surrender Cuba to you." The United States said: "No, we don't want you to surrender Cuba to us, but we want you to withdraw from Cuba, as we demanded at the outset," and she withdrew. We said we had promised the Cubans their independence and self-government, and we were going to redeem that pledge, and in the near future it will be redeemed. [Great cheering.] Well, then, the next question was something else. The great primary purpose of the war had been accomplished. It is according to usage in such cases that the conquering nation demands an indemnity from the conquered. We said to Spain: "You put us to war; you made it necessary; you have compelled us to spend a great deal of money; you didn't shed much of our blood, but you compelled us to spend our money, and we are entitled to indemnity."

Spain said: "We cannot pay. We have no ships, we have no money and we have no credit, but we have got a little real estate. [Laughter.] That is all there is left." Not particularly needing her money, and knowing from long experience that she was a bad neighbor, we acted upon this suggestion and took title from her of all her possessions in the West Indies, Porto Rico, the Isle of Pines and a number of other small islands over which the Spanish flag was flying; we took down the Spanish flag and put up the Stars and Stripes. [Applause.] Then we said we had Hawaii, and Midway Island, 1,200 miles beyond, in the Pacific, and it would suit our convenience and purposes to have Guam, of the Ladrones, another long step toward the far East, and we took that. [Applause.] Then we came to the Philippines and took them. We had been so busy we had not had time to look into the subject thoroughly when the treaty came up for consideration. It was at this time, on the 11th day of January, 1899, that I made the speech from which the Press-Post takes the quotation I have read. Now, what was it I said? I was speaking of the purpose of the United States in acquiring the Philippine Islands, and what I said then I have said before every audience, in substance and effect, to which I have spoken in this campaign, and what I said in the Senate of the United States then, the President of the United States has in effect repeated and reiterated over and over again. I said in that speech—they have not quoted all I said on that subject, and they have not quoted it accurately, either, but possibly they have quoted from some newspaper instead of the Record—what I said was in answer to statements on the other side that we were proposing to rule there despotically with force of arms. I said in answer to that that I didn't know of anybody, from the President down to his humblest follower, who had any such intention, but, on the contrary, the whole story was that the fortunes of war had carried us there, and we found when we came to the Philippines and looked into the conditions of the Filipinos that they had been suffering as the Cubans had for 327 years under the tyrannous rule of the Spanish government. We said we had commenced the war in the interest of humanity, and that we could not afford to end it with an act of inhumanity, and that it would be an act of inhumanity to leave the Filipinos subject to the sovereignty of Spain, and, therefore, we said, we will put Spain not only out of the Western hemisphere, but out of the Philippine Archipelago also. [Applause.] We will say to the suffering in Cuba, "Go free!" and we will say to the suffering in the Philippines, "Spain shall no longer dominate and tyrannize over you." I do not believe there was a Democrat in the Senate who dissented, and after this election is over every Democrat in Ohio will be claiming that he favored all that. But, however that may be, the

first proposition was, therefore, that Spain should go. But if Spain went, what was to happen? The Filipino representatives themselves said, as reported at the time: "We want you to drive out Spain, but when you have driven out Spain we don't want the United States to go away and leave us unprotected. If you do, Germany and Russia and France and England will pounce down upon us and divide us up among themselves, and our last estate will be worse than our first."

We listened to that appeal, and said Spain should go out and nobody else should come in. We would take title from Spain to the Philippine Islands, thus barring out Spain and all other countries and confining the settlement of all differences to the Filipinos and the United States. With all this in mind, I said—coming to the quotation that has been made—that it was not our purpose in so taking control of them to subject them or hold them indefinitely under the jurisdiction of this government, but only to extend the authority and the jurisdiction of this government over them, so that under that protection, and with our help, order might be restored and they might be led out of the darkness and the bondage under which they had been for centuries into the sunlight of freedom and liberty and ultimate self-government just as soon as we found that they were capable of enjoying it. Now, my fellow-citizens, that was my purpose when I voted to ratify that treaty, and I understood it was the purpose of the President of the United States. He has repeatedly so expressed himself in substance, and since that time he has given further expression on the subject, to which I now desire to call your attention, as showing better than anything else that can be said what the purposes of our government are with respect to the Philippines. In his speech at Minneapolis, a few days ago, the President said:

"The future of these new possessions is in the keeping of the Congress, and Congress is the servant of the people. That they will be retained under the benign sovereignty of the United States, I do not permit myself to doubt. That they will prove a rich and invaluable heritage, I feel assured. That Congress will provide for them a government which will bring blessings, which will promote their material interests as well as advance their people in the path of civilization and intelligence, I confidently believe. They will not be governed as vassals or serfs or slaves—they will be given a government of liberty, regulated by law, honestly administered, without oppression or exaction, taxation without tyranny, justice without bribe, education without distinction or social conditions, freedom of religious worship and protection in life, liberty and the pursuit of happiness."

THE WAR IN THE PHILIPPINES.

My fellow-citizens, that is the language of the President of the United States. Is it not language to which every patriotic American, without regard to political affiliation, can subscribe? [Renewed cheering.] "Ah, but," says the inquirer, "you have got into war, and you are fighting the Filipinos." Yes, that is true, and I am sorry for it. It is an unhappy war, and the time may come when it will be proper to inquire how we got into it. It may then be shown that great blame should attach to some one, but, my fellow-citizens, that cannot be done now. As long as we have a firing line and a flag in the Philippines it is the duty of every American citizen to stand by the Commander-in-Chief [more cheering], and I know that this great country will, for no matter what those in opposition may see fit to say, you cannot persuade the American people that either President McKinley or the Congress of the United States will desire to deal with those people otherwise than justly and generously. [Renewed shouting.] But before we can deal with them we must get into some kind of peaceable relation with them, either by force of arms or by action of the President, or, when it convenes, by action of Congress. It won't be very long, I hope, until that relation is established and then the whole world will be amazed at the generosity of the American people and what we will do to lift them up to a higher and better plane. [Long-continued cheering.]

THE FUTURE OF THE PHILIPPINES.

The great work of the immediate future, my fellow-citizens, with respect to the Philippines is to establish there a government of the United States under which there can be order and under which we can give civil government to all the peoples of those islands. That is no easy matter. Ordinarily when a man speaks of the Filipinos he talks as though he thought they were a homogeneous people; all alike. While "all coons may look alike in this country," they don't over in that. [Great laughter.] There are some sixty or eighty different peoples and tribes in those islands, each having a different language, each having in some important particulars a different civilization, each having different institutions of government, some having only the simplest tribal relations. There are the Tagalos, of which people Aguinaldo is one. They number about one and one-half or two millions. They are a pretty tolerably capable people; far more so than is agreeable to us under existing conditions. [Laughter.] But immediately south of them, on the same island, are the Vicolls, with a different language, a different literature, in so far as they have any, and different institutions in many respects.

North of them are a number of other tribes and peoples, all differing in the same way; all on the same island. Then there are the Visayans, the Negritos and the Moros and so on. We must establish a government for all the different and varying peoples, if we stay there, and we are going to stay. [More applause.]

That is a difficult task. It requires the very highest order of statesmanship to execute it successfully and satisfactorily. To succeed, we want wisdom, we want prudence, we want experience, we want the confidence of the people in the men who perform that duty. Do you feel it would be a wise thing to turn over a job like that to the Democratic party? [Great laughter.] Do you think a party capable of satisfactorily performing a great duty of that nature that does not yet know that "16 to 1" is as dead as Julius Caesar? [Tremendous laughter and applause.]

Now, my fellow-citizens, when you come to vote on the 7th of November, recollect that while we have been girdling the earth with our acquisitions of territory and filling the world with the splendor of our power, we have also been taking upon us some grave responsibilities—responsibilities that some party must meet. You must say which. Can you think of a party more capable of successfully dealing with these great questions than the one that has dealt with them with so much credit and honor and glory to the republic from their inception down to this moment? [Tremendous cheering.]

DESIRABILITY OF THE PHILIPPINES.

Now, just one word more. We did not go to war for the Philippines, as I said; we didn't take jurisdiction over them with the idea of making conquest or reducing them to a state of vassalage and compelling unwilling allegiance to the American flag, but we came by them in such a way that we had a right, when called upon to consider whether or not we should surrender them, to consider also whether they would be of any advantage to us, and the more we studied that question the more it seemed as though, under all the circumstances, having special reference to the future, they were located at just exactly the right spot. [Laughter.] We had no port in all that country. They remedied that difficulty. When in the future the United States goes to war with some other nation, and shall happen to have a fleet at Hong Kong or Singapore, or any other place over there, it won't have to return to San Francisco. It can assemble at Manila [applause], forever sacred, because of its historic memories, to the American people. [Renewed cheering.]

Now, why are those islands desirable? Let me tell you in just a moment, and then I shall give way to Senator Burrows, for I have talked much longer than I intended.

OUR FUTURE COMMERCE.

We have been telling you all these years, since the Republican party first came into power, that we have been favoring a protective tariff policy in order that we might develop our industries, employ our labor and supply our home markets, but we have told you at the same time that there would come a time when, pursuing that policy, we would not only supply our own home market, but have a great surplus to sell in the markets of the world. That time has now come. We are today producing in the shops of this country 30 to 40 per cent. more of manufactured products than we can sell at home. We must find a market for this surplus, for if we do not sell it we must curtail our production, we must shut down our shops, we must cut down the pay rolls, we must invest less capital and pay out less wages. Where will we sell them? The great markets of the future, my fellow-citizens, are in the Orient. In China and Japan and in those far Eastern countries and islands there are some seven or eight hundred millions of people just now being introduced to the civilization of the world. As they come into the enjoyment of civilization they learn to want the products of civilization, and the world must supply them. Japan has been trading with the world only a few years, and yet her foreign commerce already amounts in the aggregate to more than \$100,000,000 annually. With China and her 600,000,000 of people we are just beginning to trade. Tremendous are the possibilities of commerce there. All other nations appreciate this fact and are acting accordingly—Russia in particular. For generations she has been striving to get through the Bosphorus and out to the sea. Failing in that, she has been trying to break through Afghanistan and down through India to the sea. Failing in that, she has resorted to a great national railway through Siberia, a country that a few years ago was thought only a stupendous field of snow and ice. She is now building it. No sooner will this be accomplished than she will make all the world feel her commercial power. She has already secured from China a cession of the province of Manchuria, a large territory by itself, rich in all kinds of resources, and she is at work to connect her railway with Port Arthur, where she will have an open port and be connected with the ocean world. And while Russia has been doing this Germany and France have been securing territorial lodgments and cessions in China, and not only have these countries been making these acquisitions of territory, but it has been found that they have been establishing "spheres of influence" and negotiating treaties with China and the various provinces, under which they practically barred out of these markets all the other nations except only themselves. It was when this became manifest that England, ever alert to protect her

commerce in every part of the globe, sent her warships to Chemulpo and issued proclamation that the ports of China should be open to all or open to none.

England, in taking this action, was but protecting the natural rights of her people to share in this great commerce. What England did, the United States must also do. It would be little short of a crime against the manufacturers and wage-workers and farmers of this country for us to permit ourselves to be denied our fair share of all this coming trade. [Applause.] Where but a few years ago we sold practically no agricultural products of any kind, we sold millions in the aggregate last year, and already Japan and China, Siam and Australia are making heavy demands upon us in common with the rest of the world for the products of our shops and factories and mills, but what they are doing today in this respect is only the beginning. Their demands will multiply over and over again with the fast coming years of the future. We would not bar out any other country, but we must see to it that we are not barred out ourselves. [Applause.] The Republican party comprehends and appreciates not only that it is the duty of those who administer the government so to legislate and guide and direct as to secure to the American people our full share of rights and privileges in that part of the world, but also that the Philippine Islands are located in exactly the right place to constitute a most advantageous base of operations in securing and maintaining our full share of commercial rights and privileges. With these islands in our possession we will not only benefit the people by the beneficent institutions we will establish for them, but we will immeasurably benefit ourselves by the predominance of our influence in that quarter of the globe. To secure the highest measure of success in the solution of these great problems, the best possible political agency must be selected. Only that party which experience has shown is possessed of approved wisdom, statesmanship and particularly comprehensive and progressive Americanship can be safely entrusted with this great work. The achievements of the Republican party are a sure guarantee of its fitness and capacity to triumphantly work out in all these matters those results which will advance and enhance the happiness and prosperity of the American people and the glory and honor of the American Republic. [Long-continued applause.]

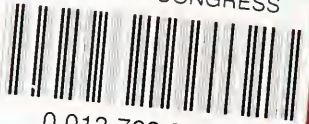


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